

person living within an enclosure of two thousand (2,000) acres or more in said County the Commissioners Court of said County shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said line is adjacent or contiguous to public rivers, lakes, or bays in the County of Trinity; providing for notice and hearing on said application; providing for damages to landowners where roads are opened; providing that the Commissioners Court shall not be required to keep such roads worked; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake, or bay with no present road or public thoroughfare; providing for laying out of rights of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in this aforementioned County; declaring a public necessity for certain roads provided for herein; defining navigable streams and public lakes; providing that the provisions of this Act shall be applicable to the County of Trinity, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 625, "An Act amending Article 5449, 1925, Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, whether it be the first or a subsequent abstract of said judgment, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for ten (10) years from the date of such record and index, except that if during said ten-year period the judgment becomes dormant said lien shall thereupon

cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for ten (10) years from the effective date of this Act, except that if during said ten (10) years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1088, "An Act providing for emergency relief for Kingsland Common School District No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

SIXTY-THIRD DAY

(Friday, April 30, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bradford
Adkins	Bridgers
Alexander	Broadfoot
Alsup	Brown
Amos	Burton
Baker	Cagle
Bates	Callan
Reckworth	Carssow
Bell	Cathey
Blankenship	Cauthorn
Boethel	Celaya
Bond	Cleveland
Royer	Colquitt
Bradbury	Davis of Haskell

Davis of Jasper	Lucas
Davison of Fisher	Mauritz
Davisson	Mays
of Eastland	McConnell
Dean	McCracken
Deglandon	McDonald
Derden	McFarland
Dickison	McKee
Dollins	McKinney
England	Metcalf
Farmer	Moffett
Felty	Monkhouse
Fielden	Morris
Fox	Morse
Fuchs	Newton
Gibson	Nicholson
Graves	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Harbin	Petsch
Hardin	Pope
Harper	Powell
Harrell	Prescott
Harris of Archer	Quinn
Harris of Dallas	Ragsdale
Harris of Dickens	Reader
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Herzik	Rhodes
Holland	Riddle
Hoskins	Roark
Howard	Ross
Huddleston	Russell
Hull	Rutta
Hyder	Settle
Jackson	Sewell
James	Sharpe
Johnson of Ellis	Shell
Johnson	Simpson
of Tarrant	Skaggs
Jones of Angelina	Smith
Jones of Atascosa	of Matagorda
Jones of Falls	Smith of Tarrant
Jones of Wise	Stevenson
Keefe	Stinson
Keith	Stocks
Kelt	Talbert
Kenyon	Tarwater
Kern	Tennant
King	Tennyson
Knetsch	Thornberry
Langdon	Thornton
Lankford	Vale
Lanning	Waegoner
Leath	Walker
Leonard	Weldon
Levendeker	Westbrook
Little	Winfree
Jogreins	Wood
London	Worley
Mann	Absent—Excused
Oliver	Schuenemann
	Smith of Hopkins

A quorum was announced present.
Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Smith of Hopkins for today, on motion of Mr. Tennyson.

Mr. Skaggs temporarily for today, on motion of Mr. Calvert.

Mr. Quinn for today, on motion of Mr. Harris of Archer.

The following Members were granted leaves of absence on account of illness:

Mr. Oliver for today, on account of illness in his family, on motion of Mr. Westbrook.

Mr. Stocks temporarily for today, on motion of Mr. Davis of Jasper.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Felty, Mr. Dickison, Mr. Reader, Mr. McCracken and Mr. Carssow:

H. B. No. 1150, A bill to be entitled "An Act amending Section 7, Chapter 49, Local and Special Laws of the Thirty-fifth Legislature, Regular Session, creating the San Antonio Independent School District, and declaring an emergency."

Referred to the Committee on Education.

Mr. Bradbury moved to introduce, at this time, and have placed on first reading, House Bill No. 1151.

The motion prevailed by the following vote:

Yeas—120

Adkins	Callan
Alexander	Carssow
Alsup	Cathey
Amos	Cauthorn
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davison of Fisher
Boethel	Davisson
Bond	of Eastland
Boyer	Dean
Bradbury	Deglandon
Bradford	Derden
Broadfoot	Dickison
Brown	Dollins
Burton	England

Farmer	Lucas
Felty	Mauritz
Fielden	McConnell
Gibson	McCracken
Hamilton	McDonald
Hankamer	McFarland
Hanna	McKinney
Harbin	Metcalfe
Hardin	Moffett
Harper	Monkhouse
Harrell	Morris
Harris of Archer	Morse
Harris of Dallas	Newton
Harris of Dickens	Palmer
Hartzog	Patterson of Mills
Heflin	Petsch
Herzik	Powell
Holland	Prescott
Hoskins	Ragsdale
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hull	Rhodes
Hyder	Roark
Jackson	Ross
James	Russell
Johnson of Ellis	Rutta
Johnson	Settle
of Tarrant	Sewell
Jones of Angelina	Simpson
Jones of Falls	Smith of Tarrant
Jones of Wise	Stevenson
Keefe	Stinson
Kenyon	Talbert
Kern	Tarwater
King	Tennant
Knetsch	Tennyson
Langdon	Thornberry
Lankford	Thornton
Lanning	Vale
Leath	Walker
Leyendecker	Weldon
Little	Winfree
Loggins	Wood
London	Worley

Nays—6

Fox	Patterson
Graves	of Travis
Keith	Riddle
Kelt	

Absent

Bridgers	Pope
Cagle	Reader
Celaya	Sharpe
Fuchs	Shell
Jones of Atascosa	Smith
Leonard	of Matagorda
Mays	Waggoner
McKee	Westbrook
Nicholson	

Absent—Excused

Mann	Quinn
Oliver	Schuenemann

Skaggs	Stocks
Smith of Hopkins	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bradbury and Mr. Fielden:

H. B. No. 1151, A bill to be entitled "An Act amending House Bill No. 8, page 2045 and 2046, Chapter 495, Article 2, Section 11 of the Third Called Session of the Forty-fourth Legislature more fully defining persons entitled to old age assistance, and declaring an emergency."

Referred to the Committee on State Affairs.

HOUSE BILL NO. 1016 ON FINAL PASSAGE

Mr. Brown moved that the House Rule, relative to the making of motions to reconsider, be suspended, at this time, for the purpose of making a motion to reconsider the vote by which House Bill No. 1016 was passed.

The motion to suspend the Rule prevailed by the following vote:

Yeas—115

Adkins	Felty
Alexander	Fielden
Alsup	Fox
Amos	Fuchs
Baker	Gibson
Bates	Graves
Beckworth	Hamilton
Bell	Hankamer
Blankenship	Hardin
Boethel	Harper
Boyer	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Brown	Harris of Dickens
Burton	Heflin
Cagle	Herzik
Callan	Holland
Carssow	Hoskins
Cauthorn	Howard
Cleveland	Huddleston
Colquitt	Hull
Davis of Haskell	Hyder
Davison of Fisher	Jackson
Davisson	James
of Eastland	Johnson of Ellis
Dean	Jones of Angelina
Deglandon	Jones of Falls
Derden	Jones of Wise
Dickison	Kelt
Dollins	Kenyon
Farmer	Kern

King	Riddle	Bradbury	Lankford
Knetsch	Roark	Bradford	Leath
Langdon	Ross	Bridgers	Leonard
Lankford	Russell	Broadfoot	Leyendecker
Leath	Rutta	Brown	Little
Leyendecker	Settle	Burton	Loggins
Little	Sewell	Cagle	London
Loggins	Simpson	Callan	Lucas
London	Skaggs	Carssow	Mauritz
Lucas	Smith	Cauthorn	Mays
Mays	of Matagorda	Celaya	McConnell
McConnell	Stevenson	Cleveland	McCracken
McCracken	Stinson	Colquitt	McDonald
McDonald	Stocks	Davis of Haskell	McKee
Moffett	Talbert	Davis of Jasper	McKinney
Monkhouse	Tarwater	Davison of Fisher	Moffett
Morris	Tennant	Dean	Monkhouse
Morse	Tennyson	Deglandon	Morris
Newton	Thornberry	Derden	Morse
Palmer	Thornton	Dickison	Newton
Patterson of Mills	Waggoner	Dollins	Nicholson
Petsch	Walker	Farmer	Palmer
Powell	Weldon	Felty	Patterson of Mills
Prescott	Westbrook	Fielden	Petsch
Ragsdale	Winfree	Fox	Powell
Reed of Bowie	Wood	Fuchs	Prescott
Reed of Dallas	Worley	Gibson	Ragsdale
Rhodes		Graves	Reader
	Absent	Hamilton	Reed of Bowie
Bond	Leonard	Hankamer	Rhodes
Bridgers	Mauritz	Hardin	Riddle
Broadfoot	McFarland	Harper	Roark
Cathey	McKee	Harrell	Ross
Celaya	McKinney	Harris of Archer	Russell
Davis of Jasper	Metcalfe	Harris of Dallas	Rutta
England	Nicholson	Harris of Dickens	Settle
Hanna	Patterson	Heflin	Sewell
Harbin	of Travis	Herzik	Sharpe
Hartzog	Pope	Holland	Simpson
Johnson	Reader	Hoskins	Skaggs
of Tarrant	Sharpe	Howard	Smith
Jones of Atascosa	Shell	Hull	of Matagorda
Keefe	Smith of Tarrant	Hyder	Stevenson
Keith	Vale	Jackson	Stinson
Lanning		James	Stocks
	Absent—Excused	Johnson of Ellis	Talbert
Mann	Schuenemann	Johnson	Tarwater
Oliver	Smith of Hopkins	of Tarrant	Tennant
Quinn		Jones of Angelina	Tennyson
		Jones of Atascosa	Thornberry
		Jones of Falls	Thornton
		Jones of Wise	Waggoner
		Kelt	Walker
		Kenyon	Weldon
		Kern	Westbrook
		King	Winfree
		Knetsch	Wood
		Langdon	Worley

Yeas—124

Alexander	Beckworth
Alsup	Bell
Amos	Blankenship
Baker	Boethel
Bates	Boyer

Absent

Adkins	England
Bond	Hanna
Cathey	Harbin
Davison	Hartzog
of Eastland	Huddleston

On motion of Mr. Brown, the vote by which House Bill No. 1016 was passed was reconsidered.

House Bill No. 1016 was then passed by the following vote:

Keefe	Pope
Keith	Reed of Dallas
Lanning	Shell
McFarland	Smith of Tarrant
Metcalfe	Vale
Patterson of Travis	

Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins
Quinn	

ADDITIONAL SIGNER OF HOUSE BILL NO. 424

By unanimous consent of the House, the following member was authorized to sign bill, as co-author of same, as follows:

Mr. Dickison, House Bill No. 424.

RELATIVE TO THE RESOLUTION PERIOD

Mr. Hankamer moved that the House dispense with the consideration of resolutions, at this time.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas, April 29, 1937.

To the Members of the Forty-fifth Legislature:

Article 4, Section 15, of the Constitution of Texas, reads as follows:

"Every order, resolution or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both Houses . . ."

On April 22nd there was filed with this office, for approval or veto, S. C. R. 1, prescribing "joint rules of the two Houses". I regret that I am compelled to disapprove and veto this resolution for the following reasons:

Joint Rules of the Legislature are prescribed not only for the regular session but for special sessions as well. Certainly these joint rules cannot have a great effect this late in the session since they were presented to me for approval or veto on April 22nd at a time when we had only

twenty days, including Sundays, of the regular session left.

It is a well known fact that rules play the most important part in the passage or defeat of controversial bills. That Member of the Legislature who is well versed on the rules is promptly recognized as an outstanding and influential Member of the Legislature. Yet rules in both Houses are generally adopted with few dissenting votes; and, I feel I am safe in saying, without a great deal of study other than on the part of Members of the conference committee writing the rules. It, therefore, behooves us, I think, to consider carefully proposed joint rules before making them permanent for special as well as the regular session.

In my opinion, the most objectionable of these rules are numbers 20 and 21. The first of these rules, No. 20, applies to House bill days in the Senate, and the second, No. 21, applies to Senate bills in the House.

To illustrate the point, therefore, it will only be necessary to quote rule 20. It reads as follows:

"On calendar Wednesday and Thursday only of each week, House bills on their third and second readings, respectively, shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by two-thirds vote of the Senate to permit the continued consideration of such pending business."

The comparable old Joint Rule (No. 22) reads as follows:

"In the Senate, on Wednesday and Thursday of each week, only House bills on their third and second readings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as unfinished business; and this rule cannot be suspended without the consent of the House."

Heretofore, the rule has been that any House bill pending at adjournment on Thursday should only "go over to the succeeding day (Friday) as unfinished business." And this procedure could only be suspended with the

consent of the House. Now, under the new rule, a pending bill would have to go over for six days! And the Rule could be suspended only by two-thirds vote of the entire Senate—not by the House!

This rule encourages and puts a premium on filibustering. It is undisputed that contested House bills have already fared badly in the Senate. It is commonly recognized that the Senate calendar of House bills is hopelessly clogged even though the Houses have operated under the old rule that a bill pending at adjournment on Thursday is still pending business on Friday. To adopt this changed rule will further jam the calendar and make the situation even more hopeless.

The changed rule not only compels a bill to go over six days but requires a two-thirds vote of the entire Senate (not of the Members present) to suspend the rule. This delivers the fate of a House bill in the Senate into the hands of a minority. In other words, where heretofore, as a matter of right, a bill pending at adjournment on Thursday was still pending business Friday morning, it would now require 21 affirmative votes to secure this simple right which has been commonly recognized throughout the legislative history of Texas. Under this new rule an overwhelming majority of 20 Members of the Senate could be in favor of continuing consideration of a bill. Eleven Senators could be filibustering against it; and the will of the eleven would prevail against the majority of 20.

Again, the changed rule fixes it so that even during a special session where perhaps only one subject might be submitted, House bills can be considered on Wednesdays and Thursdays only; and on no other days except by two-thirds vote of the entire Senate! The old rule, as shown above, provides, "In the Senate on Wednesday and Thursday of each week, only House bills on their third and second readings respectively shall be taken up and considered until disposed of." The new rule changes it to read, "On calendar Wednesday and Thursday only of each week, House bills on their third and second readings respectively," thus limiting consideration of House bills to Wednesday and Thursday, and no other days without the consent of two-thirds of the entire Senate.

I am not discussing these rules solely from the standpoint of repeal of the race track gambling law. On its face this particular rule does show what could happen to the repeal bill at a special session, but let me point out to you where we would be on other matters—taxation for instance,—perhaps the most pressing problem of all.

Suppose I am compelled to call the Legislature back in extraordinary session to provide revenue by taxation. Under the Constitution revenue bills have to originate in the House. In all probability it would easily take two weeks for committee hearings and passage of a tax bill from the House to the Senate. The Senate then would send the tax bill, or bills, to a committee, from which committee it might possibly emerge in a week's time and get on the House bill calendar in the Senate by Wednesday and Thursday of the last week—the only days in which House bills can be considered in the Senate without the affirmative vote of 21 Senators, who would have to actually be present and cast their votes, without pairing, if the bill was to be further considered after Wednesday and Thursday. None of us can imagine a tax bill, with the amendments and unlimited argument permitted under Senate rules, possibly passing the Senate in two days. Unless, therefore, two-thirds of the entire Senate membership consented for consideration of these tax bills on days other than Wednesdays and Thursdays, the tax bills would be dead at a special session! Dead because a minority of 11 might block the will of 20. It is worse than this! One member out of 21 might block the will of 20. Suppose a tax bill is pending in the Senate on the last House bill day and a quorum of 21 Senators is present. Under joint rule 20 the pending House bill would go over to the next Wednesday (which would never be reached during the thirty day session) because the rule requires a "two-thirds vote of the Senate to permit the continued consideration of such pending business. Twenty of the quorum might vote to continue consideration and one vote against it. Others could be absent and the will of one Senator absolutely kill the purpose for which the tax session was called. A sense of fairness should dictate that the will of the

majority should prevail, but it would be impossible under this rule.

This power on the part of a minority to thwart final action on a bill even though it could command a majority for passage has been amply demonstrated again and again during this session. It is evidenced by another rule of the Senate not yet brought out into the open but to which I want to call your attention at this time in order that it may be corrected.

In the past it has been an elementary and commonly recognized rule of procedure that any legislative body can by a majority vote of a quorum take any appropriate action where a greater than majority vote is not required by the Constitution. The Constitution requires in certain instances a greater than majority vote; for instance, an affirmative vote of four-fifths of the membership of each House is required to vary the procedure prescribed by Section 5, of Article 3, as amended in 1930, dealing with the introduction of bills, committee hearings, etc.; a four-fifths vote to suspend the Constitutional rule requiring bills to be read on three several days; a two-thirds vote of all Members elected to each House required to put a law into immediate effect, etc. Legislative rules may be adopted under the Constitution by a majority vote; but I am firmly convinced that neither House has a right to adopt by such majority vote rules requiring a greater vote than that required by the Constitution.

The Senate at this session adopted Amended Rule 99-b, which provides, "It shall take the affirmative vote of a majority of the Members of the Senate to substitute a minority report for the majority report." This means that in order to bring a bill out of a Senate committee on minority report 16 Members of the Senate must be present and vote affirmatively, without pairing, to bring the bill out. Oftentimes a majority of the Senate may be represented by a minority on a particular committee.

Isn't this a strange situation? A majority of a quorum can finally pass a bill if it is up for consideration; but a majority of the entire membership of the Senate is required to bring a bill out of committee on minority report so that a mere majority can pass it. In other words,

11 of 21 Members can finally pass a bill, but it would take 16 of 21 Members to bring a bill out on minority report to get it where 11 can pass it.

I have carefully briefed the question, and am thoroughly convinced that such a rule is unconstitutional; but whether it will be so adjudged by presiding officers in the Senate remains to be seen. I do not believe it is legally or morally right for any legislative body to so tie its hands as to thus make it possible for a minority to block the will of the majority. I am aware of the statement often made that rules are designed to protect minorities, but this is done by such constitutional requirements as committee hearings and the reading of bills on three several days. Frankly, I think it is high time that we adopt rules and procedure designed to protect the majority rather than the minority!

We have heard a great deal of talk lately about the people's national program being blocked by a majority of one vote. I charge that it is possible under present Senate rules to block the will of the people of Texas by a minority vote. I think I have amply demonstrated this in pointing out the things that can be done under the Senate rule cited and the proposed joint rule which I am today disapproving.

The presiding officers of the Senate have already recognized House bill days in the Senate, and I would much prefer to go forward under ordinary rules than lend my approval to any such rule as proposed joint rules 20 and 21.

I feel sure a majority of both the Senate and the House could not have intended to adopt such an onerous joint rule as the one complained of and must not have known of the possibilities I have tried to point out in this message. In disapproving and vetoing this concurrent resolution, therefore, I feel I am carrying out the will of the majority of the Members of each House. I hope that the Legislature not only in its joint rules, but in the rules for each House, will make it possible for a majority to act more effectively than is possible under present procedure.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

HOUSE BILL NO. 456 ON SECOND
READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 456, A bill to be entitled "An Act providing that on and after April 1st, 1937, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a ten month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the District Attorney or Criminal District Attorney against such delinquent taxpayers upon default in making such payments under this system; providing that no such payments shall be received by the Assessor and Collector of Taxes, which payments total less than \$1.00, and further, that accounts for less than \$10.00 will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred; . . . etc., and declaring an emergency."

The bill was read second time.

Mr. Patterson of Mills offered the following amendment to the bill:

Amend House Bill No. 456, Section 1, page 2, line 10, by striking out the words "April 1st, 1937" and substitute in lieu thereof the following: "July 1st, 1937".

The amendment was adopted.

Mr. Patterson of Mills offered the following amendment to the bill:

Amend House Bill No. 456, by striking out all of Section 3 and substituting in lieu thereof the following:

"All payments received by the As-

essor and Collector of Taxes under the provisions of this Act shall be due and payable within twenty (20) months from the date of July 1st, 1937, such payments being due and payable in ten (10) equal installments."

The amendment was adopted.

Mr. Patterson of Mills offered the following amendment to the bill:

Amend House Bill No. 456, Section 4, page 2, line 26, by striking out the words "two months" and substitute in lieu thereof the following: "four months".

The amendment was adopted.

Mr. Davis of Jasper offered the following amendment to the bill:

Amend House Bill No. 456, by striking out Section 4, and substitute in lieu thereof a new Section to read as follows:

"Section 4. If after paying one or more installments the delinquent taxpayer pays no further installment or installments for a period of four months, all of the remaining installments of said delinquent taxes shall become due and payable, and it will thereupon become the duty of the County Attorney, District Attorney or Criminal District Attorney in counties where there is no County Attorney to institute suit for the collection thereof."

The amendment was adopted.

(Mr. Wood in the Chair.)

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 456, page 4, line 1, by adding at the end of the word "district" the following: "or any political subdivision of the State".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 456 was then passed to engrossment.

HOUSE BILL NO. 456 ON THIRD
READING

Mr. Colquitt moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adkins	Kern
Alsup	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Leath
Bell	Leonard
Blankenship	Leyendecker
Boethel	Little
Boyer	Loggins
Bradford	London
Bridgers	Lucas
Burton	McConnell
Cagle	McDonald
Callan	McFarland
Carssow	McKinney
Cauthorn	Metcalfe
Cleveland	Moffett
Colquitt	Monkhouse
Davis of Haskell	Morse
Davis of Jasper	Newton
Davisson	Nicholson
of Eastland	Patterson of Mills
Dean	Patterson
Deglandon	of Travis
Derden	Powell
Dickison	Prescott
Farmer	Ragsdale
Felty	Reader
Fielden	Reed of Bowie
Fox	Reed of Dallas
Gibson	Rhodes
Hamilton	Roark
Hankamer	Ross
Hanna	Russell
Harper	Settle
Harrell	Sewell
Harris of Archer	Sharpe
Harris of Dickens	Simpson
Hartzog	Smith
Herzik	of Matagorda
Holland	Smith of Tarrant
Hoskins	Stevenson
Howard	Stinson
Huddleston	Stocks
Hull	Talbert
Hyder	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Weldon
Keefe	Westbrook
Keith	Winfree
Kelt	Worley
Kenyon	

Nays—4

Broadfoot
Brown

Jones of Wise
Lanning

Present—Not Voting

Wood

Absent

Alexander	Heflin
Bond	Mauritz
Bradbury	Mays
Cathey	McCracken
Celaya	McKee
Davison of Fisher	Morris
Dollins	Palmer
England	Petsch
Fuchs	Pope
Graves	Riddle
Harbin	Rutta
Hardin	Shell
Harris of Dallas	

Absent—Excused

Mann
Oliver
Quinn

Schuenemann
Skaggs
Smith of Hopkins

The Chair then laid House Bill No. 456 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adkins	Felty
Amos	Fielden
Bates	Fox
Beckworth	Gibson
Bell	Hankamer
Blankenship	Hanna
Boethel	Harbin
Boyer	Hardin
Bradford	Harper
Bridgers	Harrell
Brown	Harris of Dallas
Burton	Harris of Dickens
Cagle	Hartzog
Callan	Heflin
Carssow	Herzik
Cathey	Holland
Cauthorn	Hoskins
Cleveland	Howard
Colquitt	Huddleston
Davis of Haskell	Hyder
Davis of Jasper	Jackson
Davisson	James
of Eastland	Johnson of Ellis
Dean	Johnson
Deglandon	of Tarrant
Derden	Jones of Angelina
Dickison	Jones of Atascosa
Dollins	Jones of Falls
Farmer	Keefe

Keith	Prescott
Kelt	Ragsdale
Kenyon	Reader
Kern	Reed of Bowie
King	Reed of Dallas
Knetsch	Rhodes
Langdon	Roark
Lankford	Ross
Leath	Russell
Leonard	Settle
Leyendecker	Sewell
Little	Sharpe
Loggins	Simpson
London	Smith
Lucas	of Matagorda
Mauritz	Smith of Tarrant
Mays	Stevenson
McConnell	Stinson
McDonald	Stocks
McFarland	Talbert
McKinney	Tennant
Metcalfe	Tennyson
Moffett	Thornton
Monkhouse	Waggoner
Morse	Walker
Newton	Weldon
Patterson of Mills	Westbrook
Patterson	Winfree
of Travis	Worley
Powell	

Nays—6

Alsop	Morris
Jones of Wise	Tarwater
Lanning	Thornberry

Present—Not Voting

Wood

Absent

Alexander	Hull
Baker	McCracken
Bond	McKee
Bradbury	Nicholson
Broadfoot	Palmer
Celaya	Petsch
Davison of Fisher	Pope
England	Riddle
Fuchs	Rutta
Graves	Shell
Hamilton	Vale
Harris of Archer	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

HOUSE BILL NO. 547 ON PASSAGE
TO ENGROSSMENT

The Chair laid before the House, as pending business, on its passage to engrossment,

H. B. No. 547, A bill to be entitled "An Act to declare a State Policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

The bill having been read second time on yesterday.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 547, by striking out on page 1, all of lines 35 and 36 and down to and including the word "system" in line 37, and substituting in lieu thereof the following:

"and said construction and equipment shall be done under the direction of the Board of Control of State of Texas, in cooperation with the Secretary of Agriculture of the United States Government or his duly appointed representatives."

MOFFETT,
WORLEY.

The amendment was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 547, page 1, line 34, by inserting the words, "may be" between the words, "and" and "equipped" in said line.

MOFFETT,
WORLEY.

The amendment was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 547, page 1, line 32, by inserting between the words, "cotton" and "and" the words "and cotton products".

MOFFETT,
WORLEY.

The amendment was adopted.

Mr. Moffett offered the following amendment to the bill:

Amend House Bill No. 547, on line 8, page 2, by changing the period to a comma and adding the following: "or to appropriation by Congress for such particular purposes. Rules and

regulations prescribed for the new cotton products laboratory shall allow for cooperation between all cotton producing states".

The amendment was adopted.

Mr. Mays offered the following amendment to the bill:

Amend House Bill No. 547, page 2, Section 2, line 2, by striking out everything after the word "shall" and striking out all of line 3 and inserting in lieu thereof the following: "located in East Texas, within one hundred miles of the Louisiana line".

MAYS,
BECKWORTH,
REED of Bowie,
FIELDEN.

Mr. McConnell raised a point of order, on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Chair overruled the point of order.

Mr. Kelt moved the previous question on the pending amendment, and the passage of House Bill No. 547 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Moffett moved to table the amendment by Mr. Mays.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—97

Adkins	England
Alexander	Felty
Baker	Fox
Bell	Fuchs
Blankenship	Graves
Boethel	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bridgers	Harris of Archer
Broadfoot	Harris of Dallas
Burton	Harris of Dickens
Cagle	Hartzog
Celaya	Herzik
Cleveland	Holland
Colquitt	Hoskins
Davis of Haskell	Howard
Davison of Fisher	Huddleston
Davisson	Hyder
of Eastland	Jackson
Deglandon	James
Derden	Johnson
Dickison	of Tarrant
Dollins	Jones of Angelina

Jones of Falls
Jones of Wise
Keefe
Keith
King
Knetsch
Langdon
Lanning
Leath
Leonard
Leyendecker
Little
Loggins
London
Mauritz
McConnell
McDonald
McFarland
Metcalf
Moffett
Monkhouse
Morris
Morse
Nicholson
Patterson of Mills
Patterson
of Travis
Pope

Powell
Prescott
Ragsdale
Reader
Reed of Dallas
Rhodes
Riddle
Roark
Russell
Rutta
Settle
Sewell
Shell
Smith
of Matagorda
Smith of Tarrant
Stevenson
Stinson
Stocks
Tarwater
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Worley

Nays—28

Alsup
Amos
Bates
Beckworth
Bradford
Brown
Callan
Cathey
Davis of Jasper
Farmer
Fielden
Gibson
Harper
Johnson of Ellis

Kern
Lankford
Lucas
Mays
McKee
Newton
Palmer
Reed of Bowie
Sharpe
Talbert
Tennant
Weldon
Westbrook
Winfree

Present—Not Voting

Wood

Absent

Bond
Carssow
Cauthorn
Dean
Harbin
Hardin
Harrell
Heflin
Hull

Jones of Atascosa
Kelt
Kenyon
McCracken
McKinney
Petsch
Ross
Simpson

Absent—Excused

Mann
Oliver
Quinn

Schuenemann
Skaggs
Smith of Hopkins

Mr. Thornton moved the previous question on the passage of House Bill

No. 547 to engrossment, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 547 was then passed to engrossment.

HOUSE BILL NO. 547 ON THIRD READING

Mr. Moffett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 547 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Adkins	Harris of Archer
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Baker	Holland
Bates	Hoskins
Beckworth	Howard
Bell	Huddleston
Blankenship	Hyder
Boethel	Jackson
Bond	James
Boyer	Johnson of Ellis
Bradbury	Johnson
Bradford	of Tarrant
Broadfoot	Jones of Angelina
Brown	Jones of Falls
Burton	Jones of Wise
Cagle	Keefe
Callan	Keith
Carssow	Kelt
Cathey	Kenyon
Cauthorn	Kern
Cleveland	King
Colquitt	Knetsch
Davis of Haskell	Langdon
Davisson	Lankford
of Eastland	Lanning
Deglandon	Leath
Derden	Leonard
Dickison	Leyendecker
Dollins	Little
England	Loggins
Farmer	London
Felty	Lucas
Fielden	Mauritz
Fox	Mays
Fuchs	McConnell
Gibson	McDonald
Graves	McFarland
Hamilton	Moffett
Hanna	Monkhouse
Harbin	Morris
Hardin	Morse
Harper	Newton

Nicholson	Smith
Palmer	of Matagorda
Patterson of Mills	Smith of Tarrant
Patterson	Stevenson
of Travis	Stinson
Pope	Stocks
Powell	Talbert
Prescott	Tarwater
Ragsdale	Tennant
Reed of Bowie	Tennyson
Reed of Dallas	Thornberry
Rhodes	Thornton
Roark	Vale
Russell	Waggoner
Rutta	Walker
Settle	Weldon
Sewell	Westbrook
Sharpe	Winfree
Shell	Worley
Simpson	

Present—Not Voting

Wood

Absent

Bridgers	Jones of Atascosa
Celaya	McCracken
Davis of Jasper	McKee
Davison of Fisher	McKinney
Dean	Metcalfe
Hankamer	Petsch
Harrell	Reader
Heflin	Riddle
Herzik	Ross
Hull	

• Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

The Chair then laid House Bill No. 547 before the House on third reading and final passage.

The bill was read third time.

Mr. Blankenship offered the following amendment to the bill:

Amend House Bill No. 547, by striking out the words "West Texas" and insert in lieu thereof the words, "University Park or Oak Cliff in Dallas".

BLANKENSHIP,
HARRIS of Dallas.

Mr. Mays raised a point of order, on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Chair sustained the point of order.

Mr. Johnson of Ellis offered the following amendment to the bill:

Amend House Bill No. 547, page 2, Section 2, line 2, by striking out every-

thing after the word "shall", and striking out all of line 3, and inserting in lieu thereof the following "in Ellis County".

Mr. Fielden raised a point of order, on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Chair overruled the point of order.

Mr. Moffett moved to table the amendment by Mr. Johnson of Ellis.

The motion to table prevailed.

House Bill No. 547 was then passed by the following vote:

Yeas—130

Adkins	Harris of Archer
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Baker	Herzik
Bates	Holland
Bell	Hoskins
Blankenship	Howard
Boethel	Huddleston
Bond	Hull
Boyer	Hyder
Bradbury	Jackson
Bradford	James
Bridgers	Johnson of Ellis
Broadfoot	Johnson
Brown	of Tarrant
Burton	Jones of Angelina
Cagle	Jones of Falls
Callan	Jones of Wise
Carssow	Keefe
Cathey	Keith
Cauthorn	Kelt
Cleveland	Kenyon
Colquitt	Kern
Davis of Haskell	King
Davis of Jasper	Knetsch
Davison of Fisher	Langdon
Davisson	Lankford
of Eastland	Lanning
Dean	Leath
Deglandon	Leonard
Derden	Leyendecker
Dollins	Little
Farmer	Loggins
Felty	London
Fielden	Lucas
Fox	Mauritz
Fuchs	Mays
Gibson	McConnell
Graves	McCracken
Hamilton	McDonald
Hankamer	McFarland
Hanna	Metcalfe
Harbin	Moffett
Hardin	Monkhouse
Harper	Morris

Morse	Sewell
Newton	Sharpe
Nicholson	Shell
Palmer	Simpson
Patterson of Mills	Smith
Patterson	of Matagorda
of Travis	Smith of Tarrant
Pope	Stinson
Powell	Stocks
Prescott	Talbert
Ragsdale	Tarwater
Reader	Tennant
Reed of Bowie	Tennyson
Reed of Dallas	Thornberry
Rhodes	Thornton
Riddle	Vale
Roark	Waggoner
Ross	Walker
Russell	Weldon
Rutta	Westbrook
Settle	Winfree

Present—Not Voting

Wood

Absent

Beckworth	Jones of Atascosa
Celaya	McKee
Dickison	McKinney
England	Petsch
Harrell	Stevenson
Heflin	Worley

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

RELATIVE TO HOUSE BILL NO. 58

By unanimous consent of the House, on motion of Mr. Reader, the caption of House Bill No. 58 was ordered amended to conform to all changes and with the body of the bill.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 193

Mr. Bradford submitted the following Conference Committee Report on Senate Bill No. 193:

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and House on

Senate Bill No. 193, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that Senate Bill No. 193 be adopted in form hereto attached.

Very respectfully,
WESTERFELD,
WINFIELD,
HEAD,

On the part of the Senate.

BRADFORD,
FARMER,
FELTY,

BRADBURY,

On the part of the House.

S. B. No. 193

A BILL

To Be Entitled

An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways, where said private corporations have totally abandoned such operations prior to January 1st, 1934, to amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor busses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided, however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and by the Commissioners' Courts of counties as to operations outside of the limits of such cities and towns; providing that nothing in this Act shall be construed as affecting the Railroad Commission's authority to continue regulation of busses and motor vehicles operating under its jurisdiction, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That private corporation heretofore incorporated for the

purpose of operating street or interurban railways, which said private corporations have totally abandoned such operations prior to January 1, 1934, may amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor busses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, provided however, this limit shall not be construed to prohibit any corporation conforming with this Act from contracting for chartered passenger service beyond said five mile limit, under such reasonable regulations as may be legally imposed from time to time by such cities and towns within the limits thereof and the Commissioners' Courts of counties as now prescribed by Article 6548.

Sec. 2. If the boundary of one city or town is contiguous with the boundary or boundaries of another city or town, or other cities or towns, the authority granted under Section 1, hereof to operate within five miles thereof, shall be construed to include any territory within five miles of the limits of any such contiguous city or town.

Sec. 3. Nothing in this Act shall be construed to deprive the Railroad Commission of Texas, of its exclusive authority to continue the regulation of busses and motor vehicles operating under its jurisdiction; nor shall this Act relieve such operators of the requirement to secure certificates or permits from the Railroad Commission authorizing such operations.

Sec. 4. Provided before any such amendment may be filed with the Secretary of State the officers and directors of any corporation shall file an affidavit with the Secretary of State giving a detailed itemized statement of what money and property is held or owned by it and the actual cash market value of each such item of property.

Sec. 5. The fact that the operation of street railways has been abandoned either in whole or in part by street and interurban railway companies, and on account of it being desirable that the public be furnished with

some character of street transportation by motor vehicle or motor bus by companies heretofore engaged in the street transportation business creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, and it is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

On motion of Mr. Farmer, the report was adopted by the following vote:

Yeas—116

Adkins	Heflin
Alsup	Herzik
Amos	Holland
Bell	Hoskins
Blankenship	Howard
Boethel	Hull
Bond	Hyder
Boyer	Jackson
Bradbury	James
Bradford	Johnson of Ellis
Bridgers	Johnson
Broadfoot	of Tarrant
Brown	Jones of Angelina
Burton	Jones of Falls
Cagle	Jones of Wise
Callan	Keefe
Carssow	Kelt
Cathey	Kern
Cauthorn	King
Celaya	Knetsch
Colquitt	Langdon
Davis of Haskell	Lanning
Davis of Jasper	Leath
Davison of Fisher	Leyendecker
Davisson	Little
of Eastland	Loggins
Dean	London
Deglandon	Lucas
Derden	Mauritz
Dickison	Mays
Dollins	McCracken
Farmer	McDonald
Felty	McFarland
Fielden	Moffett
Fox	Monkhouse
Fuchs	Morris
Gibson	Newton
Graves	Nicholson
Hankamer	Palmer
Hanna	Patterson of Mills
Harbin	Patterson
Hardin	of Travis
Harper	Powell
Harrell	Prescott
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Rhodes
Hartzog	Riddle

Roark	Stocks
Ross	Talbert
Russell	Tarwater
Rutta	Tennant
Settle	Thornberry
Sewell	Thornton
Sharpe	Vale
Shell	Waggoner
Simpson	Walker
Smith	Weldon
of Matagorda	Winfree
Smith of Tarrant	Worley

Nays—1

Lankford

Present—Not Voting

McConnell	Wood
Westbrook	

Absent

Alexander	McKee
Baker	McKinney
Bates	Metcalfe
Beckworth	Morse
Cleveland	Petsch
England	Pope
Hamilton	Ragsdale
Huddleston	Reader
Jones of Atascosa	Stevenson
Keith	Stinson
Kenyon	Tennyson
Leonard	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 16

Mr. Morse, Chairman, submitted the following Conference Committee Report on Senate Joint Resolution No. 16:

Committee Room,

Austin, Texas, April 29, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Joint Resolution No. 16, do report that we have had the same under consideration and recommend to the Senate and House

of Representatives that it do pass in the form attached hereto.

Respectfully,
MOORE,
BURNS,
BECK,
SHIVERS,
PACE,

On the part of the Senate.

MORSE,
WINFREE,
HOWARD,
HEFLIN,

On the part of the House.

S. J. R. No. 16

A JOINT RESOLUTION

Proposing an amendment to Article III, Section 52, of the Constitution of the State of Texas by adding thereto a new section to be known as Section 52d; providing that the Legislature may authorize by law, after a majority vote of the resident qualified electors owning taxable property therein, the adoption of a plan for the construction of paved roads and bridges or both in Harris County and in road districts therein; providing for the levy of a tax to pay for such construction; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation, publication, and election.

Be It Resolved by the Legislature of the State of Texas:

Section 1. That Article III, Section 52, of the Constitution of the State of Texas, be amended by adding thereto another Section to be known as Section 52d, which shall read as follows:

"Section 52d: Upon the vote of a majority of the resident qualified electors owning rendered taxable property therein so authorizing, a county or road district may collect an annual tax for a period not exceeding five (5) years to create a fund for constructing lasting and permanent roads and bridges or both. No contract involving the expenditure of any of such fund shall be valid unless, when it is made, money shall be on hand in such fund.

"At such election, the Commissioners' Court shall submit for adoption a road plan and designate the amount of special tax to be levied; the num-

ber of years said tax is to be levied; the location, description, and character of the roads and bridges; and the estimated cost thereof. The funds raised by such taxes shall not be used for purposes other than those specified in the plan submitted to the voters. Elections may be held from time to time to extend or discontinue said plan or to increase or diminish said tax. The Legislature shall enact laws prescribing the procedure hereunder. "The provisions of this Section shall apply only to Harris County and road districts therein."

Sec. 2. The foregoing amendment to the Constitution of the State of Texas shall be submitted to the qualified voters of the State on the fourth Monday in August, 1937, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words: "For the amendment to the Constitution providing that Harris County and any road district therein may upon a vote of the people therein adopt a road plan and levy taxes for road and bridge construction in lieu of the issuance of bonds"; those voters opposing said amendment shall write or have printed on their ballots the words: "Against the amendment to the Constitution providing that Harris County and any road district therein may upon a vote of the people therein adopt a road plan and levy taxes for road and bridge construction in lieu of the issuance of bonds".

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution for amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of such publication and election.

On motion of Mr. Morse, the report was adopted by the following vote:

Yeas—112

Adkins	Bond
Alexander	Boyer
Alsup	Bradbury
Amos	Bridgers
Bell	Brown
Blankenship	Burton
Boethel	Callan

Carssow	Leonard
Cathey	Leyendecker
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Davis of Haskell	Lucas
Davis of Jasper	Mauritz
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McDonald
Deglandon	McFarland
Derden	Moffett
Dickison	Monkhouse
Dollins	Morris
Fielden	Morse
Fox	Newton
Fuchs	Nicholson
Gibson	Patterson of Mills
Graves	Patterson
Hankamer	of Travis
Hanna	Petsch
Harbin	Pope
Hardin	Powell
Harrell	Prescott
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Harris of Dickens	Reed of Dallas
Hartzog	Rhodes
Heflin	Riddle
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Rutta
Hyder	Settle
Jackson	Sewell
James	Shell
Johnson of Ellis	Simpson
Johnson	Smith of Tarrant
of Tarrant	Stocks
Jones of Angelina	Talbert
Jones of Falls	Tarwater
Jones of Wise	Tennant
Keefe	Thornton
Kelt	Vale
Kern	Waggoner
King	Walker
Knetsch	Weldon
Langdon	Westbrook
Lankford	Winfree
Lanning	Worley
Leath	

Present—Not Voting

Wood

Absent

Baker	Farmer
Bates	Felty
Beckworth	Hamilton
Bradford	Harper
Broadfoot	Huddleston
Cagle	Hull
Colquitt	Jones of Atascosa
Dean	Keith
England	Kenyon

McCracken	Smith
McKee	of Matagorda
McKinney	Stevenson
Metcalfe	Stinson
Palmer	Tennyson
Ragsdale	Thornberry
Sharpe	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 137, A bill to be entitled "An Act authorizing trustees of common school districts and common consolidated school districts to make contracts with superintendents and principals providing for the length of time of such employment, and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act authorizing Mrs. Fannie Williams, a widow, to sue the State."

H. B. No. 275, A bill to be entitled "An Act to provide for the repurchase of land located in Dallam and Hartley Counties, and declaring an emergency." (With amendment.)

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate, exempting certain boilers from the provisions of the Act; providing for appointment of a Boiler Inspector and Deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for pub-

lications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assistants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency." (With amendment.)

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency." (With amendment.)

H. B. No. 893, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature as amended by House Bill 373, Chapter 264, page 651 of the Acts of Regular Session of the Forty-fourth Legislature to exempt from the provisions thereof associations which are not operated for profit and which pay no salaries or commissions to anyone and which limit their membership to employees and the families of employees of any designated firm, corporation or individual; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of providing for the registration, preservation of the purity of blood, and improvement in the breeding of any species or class of livestock, and to keep, maintain and publish in suitable form the history, record and pedigree thereof, and declaring an emergency."

H. B. No. 1023, A bill to be entitled "An Act creating a special road law for Jeff Davis County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of February 1, 1937; setting forth the method of operation; validating all acts and proceedings heretofore had by the Commissioners Court of said County and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items

of indebtedness heretofore authorized by said Commissioners Court; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 1057, A bill to be entitled "An Act providing that in certain counties convicts, either laying their fines out in jail or working such fines out on the County Farm or on the county roads or other public works shall receive a credit therefor of \$1.00 per day for each day worked, or spent in jail, and declaring an emergency." (With amendment.)

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the acts of said County Boards of Trustees and Boards of Trustees of such districts; . . . etc., and declaring an emergency."

H. B. No. 1137, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being Senate Bill Number 467, as shown by the Acts of said Session, page 359, et seq., for the location, establishment, erection, equipment and completion of a Tuberculosis Sanatorium for negroes to be known as the State Tuberculosis Sanatorium for negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

H. B. No. 441, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of 1925; . . . etc., and declaring an emergency." (With amendments.)

H. B. No. 675, A bill to be entitled "An Act to amend Article 2371 of the

Revised Civil Statutes of 1925, by providing that in all counties of this State, having a population of more than three hundred thousand, according to the last United States Census; the Commissioners' Court in such county may expend, in furnishing a rest-room for women in the court house, or in court house buildings, or on court house grounds, a sum not to exceed three hundred dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed one hundred dollars per month, and declaring an emergency."

H. B. No. 790, A bill to be entitled "An Act repealing House Bill 124, Chapter 456, Acts of the First Called Session of the Forty-fourth Legislature, relating to the selling, taking or possession, for barter or sale, of wild fox or the pelt, in Newton and Jasper County." (With amendment.)

H. B. No. 823, A bill to be entitled "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency." (With amendment.)

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, Senate Bill No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

H. B. No. 1071, A bill to be entitled "An Act to be designated as Article 2350m providing for traveling expenses for members of the Commissioners' Court in certain counties in this State, and declaring an emergency." (With amendments.)

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220,

Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

H. B. No. 1091, A bill to be entitled "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of school districts out of another independent school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only Acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

H. B. No. 1108, A bill to be entitled "An Act amending Article 2327, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of the Forty-first Legislature, Second Called Session, and declaring an emergency."

Adopted

H. C. R. No. 81, Granting Cleo Fletcher the right to sue the State.

Has refused to concur in House amendments to Senate Bill No. 407, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Small, Isbell, Neal, Rawlings and Winfield.

Concurred in House amendments to Senate Bill No. 386 by the following vote: Yeas, 31; Nays, 0.

Concurred in House amendments to Senate Bill No. 141 by the following vote: Yeas, 31; Nays, 0.

Concurred in House amendments to Senate Bill No. 113 by the following vote: Yeas, 31; Nays, 0.

Reconsidered the vote by which the conference report on Senate Bill No. 193 was adopted, and has requested the conferees to consider further the differences between the two Houses.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE
REPORT ON SENATE
BILL NO. 80

Mr. Pope, Chairman, submitted the following Conference Committee Report on Senate Bill No. 80:

Committee Room,

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on Senate Bill No. 80, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that it be adopted in the form hereto attached.

DAVIS,
LEMENS,
ONEAL,
WINFIELD,
NEAL,

On the part of the Senate.

POPE,
McFARLAND,
VALE,
CELAYA,

On the part of the House.

S. B. No. 80,

A BILL

To Be Entitled

An Act authorizing and empowering all Water Improvement Districts created and organized under Chapter 2, Title 128, Revised Civil Statutes of Texas, having a present combined acreage within the limits of said district of not less than 10,000 acres and not more than 15,000 acres when circumstanced as stated in Section 2 of this Act, to levy, assess and collect an annual tax not to exceed Ten (10c) Cents on the taxable properties situated within the boundaries of such district; provided such districts have sold sufficient of their bonds to pay for the obtaining and have obtained by the erection of a dam or dams, or otherwise its water supply needed for the purpose of its creation, but has not constructed any canal, canals or other means for the diversion of water from such reservoir for irrigation purposes, and has exhausted the moneys obtained from such bond sales and are

unable to obtain revenues for necessary repairs to its properties and to maintain and protect same and to meet any reasonable or necessary contingent or legal expense incurred in behalf of such districts, and to validate all taxes not to exceed the sum of Twenty (20c) Cents on the One Hundred (\$100.00) Dollars valuation of such properties in any one year for all such purposes levied or assessed by any such Water Improvement District since the year 1931 when levied or assessed under such circumstances, but providing that the authority to raise such funds by taxation to meet such expense shall cease when available funds for such purposes are otherwise reasonably obtainable, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1: Any water improvement district heretofore created and organized under Chapter 2 of Title 128 of the Revised Civil Statutes of the State of Texas having a present combined acreage within the limits of said district of not less than 10,000 acres, and not more than 15,000 acres, when circumstanced as stated in Section 2 of this Act, is hereby authorized and empowered to levy, assess and collect an annual tax on the taxable properties situated within the boundaries of such district, in order to raise funds reasonably sufficient to pay for necessary repairs to its properties, and to maintain and protect same, and to meet any reasonable and necessary contingent or legal expense incurred in behalf of such district, including valid and legal claims against such district for damages to the property of any other person or corporation, provided such tax shall not exceed Ten (10c) Cents on the One Hundred (\$100.00) Dollars valuation of such property for any one year.

Section 2: The authority to levy, assess and collect such taxes conferred by Section 1 of this Act is to be exercised only when any such district has legally authorized the issuance, and has issued its bonds or other lawful evidences of indebtedness, and has sold a portion of its bonds or other evidences of indebtedness, and with the money thus obtained has constructed a dam across some stream and impounded the waters thereof, and has thereby created a reservoir

and secured its water supply, but has not constructed any canal, canals or other means for the diversion of water from such reservoir for irrigation purposes, and is unable to sell sufficient of its other bonds at a price permitted by law, to raise money to construct such necessary canal or canals, and has not sufficient available revenues from any other source which it can lawfully apply to the purposes and uses mentioned in Section 1 of this Act; and the authority conferred by this Act to raise funds by taxation to meet such expenses and demands as are mentioned in Section 1 of this Act shall cease whenever sufficient funds legally applicable to such uses and purposes are otherwise reasonably available.

Section 3: All levies and assessments of taxes made since the year 1931 for any of the purposes mentioned in Sec. 1 of this Act by any water improvement district as defined in Sec. 1 of this Act, and circumstances as set out in Sec. 2 of this Act, are hereby declared to be, and are hereby made valid and legal for all purposes, the same as if the authority to levy, assess and collect such taxes had been expressly conferred upon such districts prior to the time when such levies and assessments were made; provided, however, that this Act does not undertake to make valid and lawful, and does not make valid and lawful any such levy or assessment in any instance when such levy and assessment has exceeded the sum of Twenty (20c) Cents on the One Hundred (\$100.00) Dollars valuation of such property in any one year.

Section 4: Nothing herein contained shall be construed as taking away or limiting any power under any existing law to levy and collect any of the taxes hereinabove referred to, if such power does in fact exist.

Section 5: The fact that some taxes of the kind and character above defined in this Act heretofore levied and assessed, are now unpaid, and are seriously needed, and the further fact that there appears to be some question whether under the present law the power to assess and collect such taxes exists, create an emergency and an imperative public necessity for the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this

Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—118

Adkins	Johnson
Alexander	of Tarrant
Alsup	Jones of Angelina
Amos	Jones of Falls
Baker	Jones of Wise
Beckworth	Keefe
Blankenship	Kelt
Boethel	Kern
Boyer	King
Bradbury	Knetsch
Bradford	Langdon
Bridgers	Lankford
Broadfoot	Lanning
Brown	Leath
Burton	Leonard
Cagle	Leyendecker
Callan	Little
Carssow	Loggins
Cathey	London
Cauthorn	Lucas
Celaya	Mauritz
Cleveland	Mays
Colquitt	McConnell
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davison of Fisher	Moffett
Davisson	Monkhouse
of Eastland	Morris
Deglandon	Morse
Derden	Newton
Dickison	Nicholson
Dollins	Patterson of Mills
England	Patterson
Felty	of Travis
Fielden	Petsch
Fox	Pope
Fuchs	Powell
Gibson	Reed of Bowie
Graves	Reed of Dallas
Hamilton	Riddle
Hankamer	Roark
Hanna	Ross
Harbin	Russell
Hardin	Rutta
Harper	Settle
Harrell	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Smith
Hartzog	of Matagorda
Herzik	Smith of Tarrant
Hoskins	Stocks
Howard	Talbert
Hull	Tarwater
Hyder	Tennant
Jackson	Thornberry
James	Thornton
Johnson of Ellis	Vale

Waggoner	Westbrook
Walker	Winfree
Weldon	Worley

Nays—1

Prescott

Present—Not Voting

Wood

Absent

Bates	McKee
Bell	McKinney
Bond	Metcalfe
Dean	Palmer
Farmer	Ragsdale
Heflin	Reader
Holland	Rhodes
Huddleston	Sharpe
Jones of Atascosa	Stevenson
Keith	Stinson
Kenyon	Tennyson
McCracken	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

REASON FOR VOTE

I am voting "nay" because I believe that a matter of this sort should be voted on by the people whom it affects.

PRESCOTT.

INSTRUCTING THE ENROLLING
CLERK OF THE HOUSE TO
AMEND THE CAPTION
OF HOUSE BILL
NO. 654

Mr. Leonard offered the following resolution:

H. C. R. No. 114, Instructing the Enrolling Clerk of the House to amend the caption of House Bill No. 654.

Whereas, House Bill No. 654 has passed the House and Senate; and

Whereas, Said House Bill No. 654 was amended in the Senate but the caption was not amended to conform to the body of the bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to amend the caption of said House Bill No. 654 to conform to the Senate amendment.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 114, Authorizing the Enrolling Clerk of the House to correct House Bill No. 654.

Conference committee report on Senate Bill No. 247 by the following vote: Yeas, 23; Nays, 6.

Conference committee report on Senate Bill No. 80 by the following vote: Yeas, 30; Nays, 0.

Conference committee report on House Joint Resolution No. 2 by the following vote: Yeas, 30; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADDRESS BY HONORABLE
RICHARD R. THOMPSON

Mr. Reader offered the following resolution:

Whereas, There is in the House of Representatives at the present time the Honorable Richard R. Thompson, a Member of the Senate of Arkansas; therefore, be it

Resolved, That Senator Thompson be invited to address the House briefly at the present time.

READER,
FARMER.

The resolution was read second time, and was adopted.

In accordance with the above action, Mr. Thompson was escorted to the Speaker's stand by Mr. Farmer.

Mr. Farmer introduced Mr. Thompson who addressed the House.

On motion of Mr. Johnson of Ellis, the following poem, which was a part of the address by Mr. Thompson, was ordered printed in the Journal:

THE LAND OF BEGINNING AGAIN

I wish there were some wonderful place called the "Land of Beginning Again",

Where all the mistakes and all our heartaches might be dropped

Like a shabby coat at the door, and never be put on again.

And I wish that the one whom our
blindness had done
The greatest injustice of all
Might be at the gate, like an old
friend that waits,
And the comrade that he's gladdest to
meet.

I would find all the things we in-
tended to do,
But forgot, or remembered too late;
Little promises broken, little praises
unspoken,
And all of the thousand and one little
duties neglected
That might have brightened the day
for one less fortunate.

It wouldn't be possible not to be kind,
in this "Land of Beginning
Again",
For the ones we misjudged, and the
ones whom we grudged
Their moments of victory here,
Would find in the grasp of a loving
hand clasp,
More than penitent lips could ex-
plain.

And what had been hardest, we'd find
had been best;
And what had seemed lost had been
gained;
For there isn't a sting that wouldn't
take wing
When we faced it and lifted it away.
And I think it is the laughter that
most we are after
In this "Land of Beginning Again".

NOTICES GIVEN

Mr. Worley gave notice that he
would, on the next legislative day,
move to take up for consideration,
at that time, House Bill No. 373,
which bill was heretofore laid on the
table subject to call.

Notices were given by authors of
all bills, which bills were heretofore
laid on the table subject to call, that
motions would be made to take same
up, for consideration, on the next leg-
islative day.

HOUSE BILL NO. 441 WITH SEN- ATE AMENDMENTS

Mr. Hartzog called up from the
Speaker's table, with Senate amend-
ments, for consideration of the amend-
ments,

H. B. No. 441, A bill to be entitled
"An Act to amend Article 7064, Re-
vised Civil Statutes of 1925, as

amended by House Bill No. 8, Chapter
495, Article IV, Acts of the Third
Called Session of the Forty-fourth
Legislature of 1936; and to repeal
Section 17, Chapter 40, Acts of the
Forty-first Legislature, First Called
Session, as relates to the payment of
taxes; and to amend Article 4769, Re-
vised Civil Statutes of 1925, as
amended by said House Bill 8 above
referred to; and to amend Article
7064a, as enacted by House Bill 8,
Chapter 495, Article IV, Acts of the
Third Called Session of the Forty-
fourth Legislature aforesaid; and
amending Article 7064 relating to in-
surance companies, corporations, re-
ciprocals and other organizations or
concerns transacting the business of
fire, marine, marine inland, accident,
credit, title livestock, fidelity, guar-
anty, surety, casualty or any other
kind or character of insurance busi-
ness other than life insurance and
fraternal benefit associations; . . . etc.,
and declaring an emergency."

The Chair laid the bill before the
House with the Senate amendments.

On motion of Mr. Hartzog, the
House concurred in the Senate amend-
ments by the following vote:

Yeas—119

Adkins	Fielden
Alexander	Fox
Alsup	Gibson
Amos	Graves
Baker	Hamilton
Bates	Hankamer
Beckworth	Hanna
Blankenship	Harbin
Boethel	Hardin
Boyer	Harper
Bradbury	Harrell
Bradford	Harris of Archer
Bridgers	Harris of Dallas
Brown	Harris of Dickens
Burton	Hartzog
Cagle	Heflin
Callan	Herzik
Carssow	Holland
Cauthorn	Hoskins
Cleveland	Howard
Colquitt	Huddleston
Davison of Fisher	Hull
Davisson	Hyder
of Eastland	Jackson
Deglandon	James
Derden	Johnson of Ellis
Dickison	Johnson
Dollins	of Tarrant
England	Jones of Angelina
Farmer	Jones of Falls
Felty	Jones of Wise

Keefe	Patterson
Kelt	of Travis
Kenyon	Petsch
Kern	Pope
King	Reed of Bowie
Knetsch	Reed of Dallas
Langdon	Riddle
Lankford	Ross
Lanning	Russell
Leath	Rutta
Leonard	Settle
Leyendecker	Sewell
Little	Sharpe
Loggins	Shell
London	Simpson
Lucas	Smith
Mauritz	of Matagorda
Mays	Smith of Tarrant
McConnell	Stinson
McDonald	Stocks
McFarland	Talbert
McKee	Tarwater
Metcalfe	Tennyson
Moffett	Thornberry
Monkhouse	Thornton
Morris	Vale
Morse	Waggoner
Newton	Weldon
Nicholson	Westbrook
Patterson of Mills	Winfree
	Worley

Present—Not Voting

Wood

Absent

Bell	McKinney
Bond	Palmer
Broadfoot	Powell
Cathey	Prescott
Celaya	Ragsdale
Davis of Haskell	Reader
Davis of Jasper	Rhodes
Dean	Roark
Fuchs	Stevenson
Jones of Atascosa	Tennant
Keith	Walker
McCracken	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

HOUSE BILL NO. 352 WITH SENATE AMENDMENTS

Mr. Tennant called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain

terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a Boiler Inspector and Deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations; providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assistants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency."

The Chair laid the bill before the House with the Senate amendments.

Mr. Tennant moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 247

Mr. Petsch submitted the following Conference Committee Report on Senate Bill No. 247:

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred Senate Bill Number 247, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that the said bill pass in the form attached hereto.

Respectfully submitted,

PETSCH,
TENNYSON,
SHELL,
THORNBERRY,
HANKAMER,

On the part of the House.

WOODRUFF,
AIKIN,
NEWTON,
BECK,

On the part of the Senate.

S. B. No. 247

A BILL

To Be Entitled

An Act relating to the collection of excise and other taxes and relating to injunctions, bonds, the payments of taxes, refunds, reports, records, etc., and amending Sections 1, 3, 4, 5, 6, 7, 9, and 18 of House Bill No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, and adding a new section thereto to be known as Section 3B; authorizing the Comptroller to promulgate certain rules and regulations to regulate the sale of cigarettes into other States when such cigarettes have the tax stamp of such other States affixed; prescribing records to be kept by salesmen of cigarette manufacturers and by persons soliciting orders for cigarettes for shipment to points within the State; providing for the shipment of cigarette stamps; requiring common and contract carriers to keep certain records open to inspection of certain State officials; preserving taxes, penalties and interest accruing to the State under the provisions of prior cigarette tax laws before the effective date of this Act; repealing laws in conflict herewith; providing that offenses committed or prosecutions begun under pre-existing laws may be conducted under the law as it existed at the time the offense was committed; providing that if any part of this Act shall be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Before any restraining order or injunction shall be granted in this State to restrain or enjoin the collection of any excise tax, occupation tax, sales tax, severance tax, gross receipts tax, license or permit tax, and registration or filing fee or any statutory penalties assessed for failure to pay any of such taxes and before any restraining order or injunction shall be granted against any State official or his authorized representatives in this State to restrain or enjoin the collection of any of the

foregoing taxes, fees and penalties, the applicant therefor shall pay into the suspense account of the State Treasurer all taxes, fees and penalties then due by him to the State and the application for restraining order or injunction shall reflect said fact of payment under oath of the applicant, his agent or attorney. Provided, however, that unless otherwise provided by Statute, said applicant may, in lieu of paying such taxes, fees and penalties into the suspense account of the State Treasurer, file with said Treasurer a good and sufficient bond to guarantee the payment of such taxes, fees and penalties in an amount equal to twice the amount of all taxes, fees and penalties then due and which may reasonably be expected to become due during the pendency of said injunction. The amount of such bond and the sureties thereon shall be approved by and acceptable to the Judge of the Court granting said injunction and the Attorney General of this State and the application for said restraining order or injunction shall reflect under oath of the applicant, his agent or attorney, that said bond has been approved and filed as aforesaid. Whenever it appears to the Attorney General that any such bond has become insufficient to cover double the amount of the taxes, fees and penalties accruing subsequently to the granting of said injunction, the said Attorney General shall demand of said applicant that additional bond be filed. Provided, further, that said applicant shall keep during the pendency of the injunction and for a period of one (1) year thereafter open to the inspection at all times of the Attorney General of this State and all other State officials authorized to enforce the collection of such taxes, fees and penalties, a well bound book record of all taxes accruing during the pendency of such restraining order or injunction. Such book record shall include a record of purchases, receipts and sales or other disposition of all commodities, products, materials or articles upon which such taxes are levied or by which the amount of such taxes are measured. Provided further, that said applicant shall make and file with the State official authorized to enforce the collection of the tax involved, on Monday of each week, a report on a form or forms to be prescribed by

said official showing the weekly accruals of the tax involved together with total purchases, receipts, sales and other disposition of all commodities, products, materials and articles on which the tax involved in such injunction is levied or by which such tax is measured. Such report shall also show the name and address of all persons from whom such commodities, products, materials and articles were purchased or received and the name and complete address of all persons to whom such commodities, products, materials and articles were sold or distributed. If payment of the tax involved is evidenced or measured by the sale or use of stamps or tickets, a complete record of all such stamps and tickets used, sold or handled shall be kept and shall be included in said report. Said application and temporary injunction or restraining order shall be immediately dismissed and dissolved after hearing, if said applicant fails, at any time before the case shall have been finally disposed of by the court of last resort, to keep the records or make and file the reports required herein or to comply with the Attorney General's demand to file any additional bond necessary to cover double the amount of taxes, fees and penalties accruing subsequently to the granting of said injunction or in the absence of a bond to pay, on Monday of each week, into the suspense account of the Treasurer of Texas all taxes, fees and penalties involved in said litigation and thereafter becoming due, and such payments shall be made before said taxes, fees and/or penalties become delinquent. Any proceedings to enjoin the collection of any of the foregoing taxes shall be in a court of competent jurisdiction in Travis County, Texas.

The Attorney General or any State official authorized to enforce the collection of the tax involved may file in the court granting such injunction an affidavit that said applicant has failed to comply with the provisions of this Act or has violated the same. Upon the filing of said affidavit, the clerk of said court shall issue notice to the said applicant to appear before such court upon the date named therein, which shall be within five (5) days from service of such notice or as soon as the court can hear the same, to show cause why such injunction should not be dismissed,

which notice shall be served by the sheriff of the county in which applicant resides or any other peace officer in this State.

In the event the injunction is finally dissolved or dismissed the Treasurer shall make demand upon the applicant and his sureties on any bond filed in lieu of the payment of any taxes, fees and penalties, for immediate payment of said taxes, fees and penalties which if not paid shall be recovered in a suit to be filed by the Attorney General in a court of competent jurisdiction in Travis County, Texas, or any court having jurisdiction. Provided further, that if said injunction is dissolved or dismissed all taxes, fees and penalties or other funds paid into the suspense account of the Treasurer under the provisions of this Act shall be paid to the funds to which said taxes, fees and penalties are allocated. If the final judgment maintains the right of the applicant to a permanent injunction to prevent the collection of such taxes, the funds so deposited shall be refunded by the Treasurer to said applicant together with any depository interest the Treasurer may have collected for the deposit of such funds.

Section 2. That Section 1 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Section 1. The following words, terms and phrases, as used in this Act are hereby defined as follows:

(a) "Cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.

(b) "Individual Package of Cigarettes" shall mean and include the smallest package of cigarettes ordinarily sold at retail and shall include any and every package of cigarettes upon which a federal stamp or token is required, evidencing the payment of federal tax.

(c) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency or receiver.

(d) "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored or kept for the purpose of sale or consumption; or if sold from any vehicle, train or cigarette vending machine, the vehicle, train, or cigarette vending machine on which or from which such cigarettes are sold shall constitute a place of business.

(e) "Stamp" shall mean the stamp or stamps printed, manufactured or made by authority of the Board as hereinafter defined, and issued, sold or circulated by the Treasurer and by the use of which the tax levied hereunder is paid.

(f) "Counterfeit Stamp" shall mean any stamp, label, print, tag or token which evidences, or purports to evidence, the payment of any tax levied by this Act, and which stamp, label, print, tag or token has not been printed, manufactured or made by authority of the Board as hereinafter defined and/or issued, sold or circulated by the Treasurer.

(g) "Previously Used Stamp" shall mean and include any stamp which is used, sold, or possessed for the purpose of sale or use, to evidence the payment of the tax herein imposed on an individual package of cigarettes after said stamp has, anterior to such use, sale or possession, been used on a previous or separate individual package of cigarettes to evidence the payment of tax as aforesaid.

(h) "First Sale" shall mean and include the first sale or distribution of cigarettes in intrastate commerce, or the first use or consumption of cigarettes within this State.

(i) "Drop-shipment" shall mean and include any delivery of cigarettes received by any person within this State when payment for such cigarettes is made to the shipper or seller by or through a person other than the consignee.

(j) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas or his duly authorized assistants and employees.

(k) "Treasurer" shall mean the State Treasurer of Texas or his duly authorized assistants and employees.

(l) "Attorney General" shall mean the Attorney General of the State of Texas or his duly authorized assistants and employees.

(m) "Distributor" shall mean and include every person in this State who manufactures or produces cigarettes or who ships, transports, or imports into this State or in any manner acquires or possesses cigarettes and makes a "first sale" of the same in this State; the said term shall also include every person in this State who in any manner acquires or possesses unstamped cigarettes for the purpose of making a "first sale" of the same within this State.

(n) "Wholesale Dealer" shall mean and include every "person" other than a distributor or a salesman in the employ of a manufacturer and handling only the products of his employer who engages in the business of selling or distributing cigarettes in this State for the purpose of resale.

(o) "Retail Dealer" shall mean and include every person other than a distributor or wholesale dealer who shall sell, distribute, or offer for sale or distribution or possess for the purpose of sale or distribution, cigarettes irrespective of quantity or amount or the number of sales or distributions; and it shall also mean and include every person other than a distributor or wholesale dealer who distributes or disposes of cigarettes in unbroken individual packages or in quantities of ten (10) or more as gifts or prizes or in any other manner of distribution or disposal where no sale is involved.

(p) "Distributing Agent" shall mean and include every person in this State who acts as an agent of any person outside the State by receiving cigarettes in interstate commerce and storing such cigarettes subject to distribution or delivery upon order from said person outside the State to distributors, wholesale dealers and retail dealers."

Section 3. That Section 3, House Bill No. 755, General Laws of the Forty-fourth Legislature, as amended by Section 1, Article 111, House Bill 8, Acts of the Third Called Session of the Forty-fourth Legislature, be, and the same is hereby amended so as to read hereafter as follows:

"Section 3. A 'Cigarette Tax Stamp Board' composed of the Board of Control of this State, designated hereafter as the 'Board', is hereby created and the said Board shall be and is hereby required to design and have printed or manufactured new cigarette

tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package of cigarettes; provided that a different and separate serial number or combination letter and number may be assigned to and printed on the margin of each sheet of stamps, or other methods of identification be adopted as the Board may decide. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of four per cent (4%) from the face value; provided that if any distributor fails or refuses to comply with any provision of the cigarette tax law or violates the same such distributor shall be required to pay the full face value for stamps purchased during the period of such offense and the Treasurer shall, upon receipt of an affidavit from the Comptroller, setting forth such violation, refuse to supply stamps at the discount provided until such offending distributor has paid any unauthorized discounts received by him and has otherwise purged himself of all such violations; provided further, that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equalling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

From the effective date of this Act, one-third of the net revenue derived from the Act levying the Cigarette Tax shall be credited to the

Available School Fund of the State of Texas, and two-thirds shall be credited to the Texas Old Age Assistance Fund.

The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design. Provided that whenever a change is made in the design of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided, further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer

is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by the person offering to exchange such stamps; provided, further, that stamps which are effaced or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

Orders for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treasurer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided, further, that the purchaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be cancelled by any letter, numeral or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for stamps of a different denomination. Provided, further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived

from this Act before such revenue is allocated as herein provided."

Section 4. That House Bill No. 755, Acts of the Forty-fourth Legislature, as amended by Acts of the Third Called Session of the Forty-fourth Legislature, be, and the same is hereby, amended by adding a new Section following Section 3A and to be known as Section 3B and to read as follows:

"Section 3B. A distributor may order stamps shipped with draft attached to the bank with which said distributor regularly transacts business. The Treasurer is hereby authorized to ship stamps in compliance with such orders to any such bank authorized to do business in Texas under the laws of this State and the United States. Such stamps, together with the invoice required under Section 3 of the cigarette tax law, shall be attached to a form draft to be prescribed by the State Auditor, which draft shall show the date of shipment, the name and address of the bank, the name of the distributor and the amount of said draft. If said draft is not paid within twenty (20) days of the date thereon, it shall be returned together with the stamps attached to the Treasurer. Any distributor failing to take up such draft and stamps as ordered by him shall be notified at the end of such twenty (20) day period by the Treasurer to appear within five (5) days before the Treasurer to show cause why he should not be denied the privilege of ordering stamps as herein provided, and if such distributor shall fail to show good cause, the Treasurer is hereby authorized to discontinue the shipment of stamps with draft attached as herein provided."

Section 5. That Section 4 of House Bill No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Section 4. Every distributor, wholesale dealer and retail dealer in this State now engaged or who desires to become engaged, in the sale or use of cigarettes upon which a tax is required to be paid, shall, within thirty (30) days from the date this law becomes effective, file with the Comptroller an application for a cigarette permit as a distributor, wholesale dealer or retail dealer, as the case may be, said application to

be accompanied by a fee of Twenty-five (\$25.00) Dollars if for a distributor's permit or a fee of Fifteen (\$15.00) Dollars if for a wholesale dealer's permit or a fee of Five (\$5.00) Dollars if for a retail dealer's permit. Said applications shall be on forms prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said forms shall set forth (a) the manner under which such distributor, wholesale dealer or retail dealer transacts or intends to transact such business as distributor, wholesale dealer or retail dealer, (b) the principal office, residence and place of business in Texas for which the permit is to apply, (c) and if other than an individual the principal officers or members thereof not to exceed three (3), and their addresses. The Comptroller may require any other information as he may desire in said applications. No distributor, wholesale dealer or retail dealer shall sell any cigarettes until such application has been filed and the fee prescribed paid for a permit and until such permit is obtained. Said permits shall expire twelve (12) months from the date the distributor, wholesale dealer or retail dealer first sells cigarettes or engages in the business of selling cigarettes or from the expiration date of the permit previously issued to said distributor, wholesale dealer or retail dealer, but may be renewed upon like application and upon payment of another fee in the amount prescribed for the kind of permit desired. An application shall be filed and a permit obtained for each place of business owned or operated by a distributor, wholesale dealer or retail dealer. Provided, however, that any distributor manufacturing, importing, or acquiring in any other manner, cigarettes for his own personal use or consumption and not to be disposed of by sale, gift, or otherwise shall not be required to obtain a distributor's permit but shall be required to make the report required herein of a distributor and to comply with all other provisions of this Act affecting a distributor; provided, further, that the Treasurer shall be authorized to sell stamps to such distributors acquiring cigarettes for their own personal use or consumption and not for sale or other

disposal, in lesser quantities than unbroken sheets of one hundred (100) stamps.

Upon receipt of the application and fee herein provided for, the Comptroller shall issue to every distributor, wholesale dealer or retail dealer for the place of business designated, a non-assignable consecutively numbered permit, designating the kind of permit and authorizing the sale of cigarettes in this State. Said permit shall provide that the same is revokable and shall be forfeited or suspended upon any violation of any provision of this Act or any reasonable rule or regulation adopted by the Comptroller. If such permit is revoked or suspended said distributor, wholesale dealer or retail dealer shall not sell any cigarettes from such place of business until a new permit is granted or the suspension of the old permit removed. Provided, that the Treasurer may refuse to sell stamps to any person who has not obtained a permit to engage in business as a distributor or to any distributor whose permit has been revoked or suspended until such permit has been re-instated or a new permit issued.

The permit shall at all times be publicly displayed by the distributor, wholesale dealer or retail dealer at his place of business so as to be easily seen by the public and the persons authorized to inspect the same. Provided, that any distributor, wholesale dealer, or retail dealer who is the legal owner and holder and is operating under any unexpired permit which has been issued by the Comptroller as provided by Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, shall not be required to make application for and obtain from the Comptroller a permit as required herein prior to the expiration of the twelve (12) months for which such permit was issued. Provided, further, that any person who operates both as a distributor and wholesale dealer in the same place of business shall only be required to obtain a distributor's permit for the particular place of business where such operation of said business is conducted, but if any distributor or wholesale dealer sells cigarettes at both wholesale and retail, an additional permit as a retail dealer shall be required. Any unexpired permit may be returned to the Comptroller for credit on the unexpired portion thereof only

upon the purchase of a permit of a higher classification.

If the application is for a permit to sell cigarettes from or by means of a cigarette vending machine, train, automobile or other vehicle, the serial number of said vending machine, the make, motor number and State Highway license number of said automobile or other vehicle and the name of the railway company and number of said train shall be shown on the applications."

Section 6. That Sections 5, 6, and 7 of House Bill No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same are hereby amended so as to read hereafter as follows:

"Section 5. Every person, other than a distributing agent, bonded distributor or common carrier shall before receiving or accepting delivery of any cigarettes without stamps affixed to evidence the payment of the tax obtain from the Treasurer the requisite amount or number of stamps necessary to stamp such cigarettes and the possession of any unstamped cigarettes without the possession of the requisite amount or number of stamps shall be prima facie evidence that said cigarettes are possessed for the purpose of making a "first sale" thereof without stamps and without payment of the tax levied herein.

Every distributor in this State shall cause all cigarettes received by him to have the requisite denominations and amount of stamps affixed to represent the tax as levied herein, provided, however, that any distributor who has obtained from the Treasurer and has in his possession the requisite amount and number of stamps necessary to stamp all cigarettes received by him may hold such cigarettes for a period of not longer than forty-eight (48) hours, excluding Sundays and legal holidays, before affixing the stamps as required herein.

Section 6. Any distributor or other person engaged in interstate business who shall, within thirty (30) days from the date this law becomes effective, execute and file with the Comptroller a good and sufficient surety bond signed by the distributor or other person and a good and sufficient surety company or companies authorized to do business in this State shall be permitted to set aside such part of his stock of cigarettes as may

be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Provided, that such bond shall be approved by and acceptable to the Comptroller in an amount of not less than Two Hundred and Fifty (\$250.00) Dollars and not more than double an amount necessary to stamp the largest quantity of cigarettes set aside at any time for the conduct of such business, and any quantity so set aside which is larger than that permitted in said bond shall be subject to the same requirements as cigarettes purchased or possessed for intrastate sale. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock. The amount of the bond required of such distributor or other person shall be fixed by the Comptroller, and subject to the minimum limitation herein provided; additional bond or a new bond shall be required by the Comptroller at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond or new bond shall be supplied within ten (10) days after demand. Provided, that said bond or bonds shall be payable to the State of Texas in Austin, Travis County, Texas, and conditioned for the full, complete and faithful performance of all the conditions and requirements of this Act affecting said distributor or other person on a form to be prescribed by the Comptroller, with the approval of the Attorney General. Should the distributor or other person fail or refuse to supply a new bond or additional bond within ten (10) days after demand, the Comptroller shall have the power and authority to cancel forthwith any existing bond made and executed by and for said distributor or other person. In the event said bond is cancelled, said distributor or other person shall within forty-eight (48) hours after said cancellation, excluding Sundays and legal holidays, cause any and all cigarettes received prior to said cancellation to have the requisite denomination and amount of stamps affixed to represent the tax as herein provided. Cigarettes set aside for interstate business which are not kept entirely separate and apart from intrastate stock shall be considered as intrastate stock and subject to the same

requirements as cigarettes possessed for the purpose of a "first sale".

The Comptroller is hereby authorized to prescribe and promulgate rules and regulations not inconsistent with this Act or Chapter 241, Acts of the Regular Session of the Forty-fourth Legislature, for the purpose of regulating the sale of cigarettes for movement into States adjoining Texas when said cigarettes have the cigarette tax stamp of such adjoining State affixed thereto.

Section 7. (a) Every distributor, wholesale dealer and retail dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, including all invoices, bills of lading, way bills, freight bills, express receipts or copies thereof and all other shipping records furnished by the carrier and the seller or shipper of said cigarettes, and in addition thereto a book record in a well bound book which will provide complete information of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer at each place of business. Such book record shall show the date said cigarettes were received, with the designation of whether drop-shipment or otherwise, the name and address of the person from whom purchased and from whom received, the point from which shipped or delivered, the point at which received, the name of the carrier, if shipped by common carrier, the name of the boat or barge if shipped by water, whether registered mail, insured parcel post or open mail if received by mail, the number and kind of cigarettes received with stamps affixed thereto, and, if a distributor, the number and kind of cigarettes received without the stamps affixed, and an inventory or inventories on the first of each month, showing the number and kind of cigarettes on hand with stamps affixed thereto, and, if a distributor, the number and kind without stamps affixed.

(b) Every distributor shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General the in-

voice of stamps purchased or received from the Treasurer and in addition thereto a book record in a well bound book which will provide complete information of all stamps purchased from the Treasurer and the disposition thereof. Such record shall show the date of receipt of stamps purchased, the number or quantity of stamps, the denomination, and amount paid for stamps so purchased. Such record shall also show the number or quantity, the denomination and face value of stamps sold by requisition from the Comptroller with the name of purchaser of said requisitioned stamps, the number or quantity, the denomination and face value of stamps sent to or received from the Treasurer as an exchange and the inventory or inventories of all stamps on hand on the first day of each month, said inventory to show the number or quantity, denomination and face value of said stamps.

(c) Every distributor and wholesale dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of each and every sale, distribution or use of cigarettes, regardless of whether or not the tax is due upon said cigarettes under the provisions of this Act, upon an invoice to be furnished by said distributor or wholesale dealer which invoice shall be issued in duplicate except when the sale or distribution is made by drop-shipment in which event the invoice shall be issued in triplicate, said invoice shall show the date of sale, distribution or use, the purchaser and his address, the means of delivery, the name of the carrier if delivered by common carrier, whether registered mail, insured parcel post or open mail if delivered through the mail, the designation of drop-shipment if the sale is a drop-shipment made by a distributor, the number and kind of cigarettes sold, and if the sale is by a distributor the number and kind of cigarettes with the stamps affixed to each individual package, and the number and kind of cigarettes without the stamps affixed thereto, and in addition thereto the said invoices shall be supported by the receipts and other records furnished by the carrier of such cigarettes. The original of said invoice shall be delivered to the purchaser

and the duplicate shall be kept by the distributor or wholesale dealer as the case may be; provided, however, that when the cigarettes are distributed or exchanged in any manner where no sale is involved that an explanation of such transaction shall be stated on said invoice. Provided further, that where a distributor or wholesale dealer sells cigarettes at retail it will be sufficient for said distributor or wholesale dealer and he shall be required to issue an invoice to his retail department for cigarettes to be sold at retail and such stock of cigarettes invoiced for retail sales shall be kept separate and apart from the other stock of said distributor or wholesale dealer; provided, further, that every distributor and wholesale dealer shall keep at each place of business in Texas for a period of two (2) years for the inspection at all times by the authorized authorities a book record in a well bound book or books of all cigarettes sold, distributed or used by said distributor or wholesale dealer. Such book record shall include all information required to be kept on the invoice aforesaid.

(d) Provided, that every person engaged in the business of selling cigarettes in interstate commerce only shall be required to keep such records and make such reports to the Comptroller as are required of a distributor.

(e) Salesmen in the employ of a manufacturer, and handling only the products of his employer, who engage in the business of selling or distributing cigarettes with stamps affixed in this State for the purpose of resale, shall be required to keep the same records, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General, as are required of a wholesale dealer. Such salesmen shall also be required to deliver the original of the invoice required to be made to the purchaser or recipient of said cigarettes.

(f) "Solicitors" engaged in the business of soliciting orders for cigarettes for shipment to points within this State shall keep in Texas for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of all orders solicited and all orders taken for cigarettes for such shipment which record shall

include the quantity and kind of cigarettes ordered or shipped, from whom ordered or by whom shipped, the full name and correct address of the purchaser, the date said cigarettes were ordered, and if available the date said cigarettes were shipped. Such record shall be kept for all cigarettes shipped to points within this State by the vendor whom the solicitor represents whether the order was taken by said solicitor or otherwise if said solicitor is given credit for or furnished records of such orders of such shipments.

Section 7. That Section 9 of House Bill No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be and the same is hereby amended so as to read hereafter as follows:

"Section 9. (a) Every distributor shall make and deliver to the Comptroller in Austin, Travis County, Texas, on the 10th day of each month a report for the preceding calendar month, which report shall be properly sworn to and executed by the distributor, or his representative in charge, and which shall show the date said report was executed, the name and address of said distributor, the month which the report covers, the number of unstamped and the number of stamped cigarettes on hand at the beginning of the month, the number of unstamped and the number of stamped cigarettes purchased and received during the month, the number of unstamped and the number of stamped cigarettes returned from customers or received from any other source, the number of unstamped and the number of stamped cigarettes sold, used, lost, stolen, returned to the factory or disposed of in any other manner, and the number of unstamped and the number of stamped cigarettes on hand at the end of the month. Said report shall show separately the number of cigarettes sold or distributed in intrastate commerce and the number sold or distributed in interstate commerce. Said report shall also show the number, denomination and face value of unused stamps on hand at the beginning of the month covered in the report, the number, denomination and face value of stamps purchased and received, the number, denomination and face value of stamps sold, used, lost, stolen, exchanged, returned to the Treasurer,

or disposed of in any other manner and the number, denomination and face value of stamps on hand at the end of the month covered in the report. Provided, that said report shall also show separately all drop-shipments handled by or through said distributor during the period reported, which information shall include the date of shipment, the invoice number, the name and address of the consignee, the number and brand of such cigarettes and the means of delivery and a copy or copies of all invoices of such drop-shipments shall be attached to and sent with said report. Provided, further, that the Comptroller may prepare and furnish a form prescribing the order in which the information required herein shall be set up in said report but the failure of any distributor to obtain such form from the Comptroller shall be no excuse for the failure to file a report containing all the information required to be reported herein.

(b) If any distributor or other person fails or refuses to pay any tax, penalties and cost of audit herein provided, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said tax claims, in any judicial proceedings, any report filed in the office of the Comptroller by such distributor or his representative, or a certified copy thereof certified to by the Comptroller or his Chief Clerk, showing the number of cigarettes sold by such distributor or his representatives, upon which such tax, penalty and cost of audit has not been paid, or any audit made by the Comptroller or his representative from the books or records of said distributor, or other person when signed and sworn to by such representative as being made from the records of said distributor or persons from whom such distributor has bought, received, or delivered cigarettes, whether from a transportation company or otherwise, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown.

(c) In the event the Attorney General shall file suit or claim for taxes, provided for in the foregoing section, and attach or file as an ex-

hibit any report or audit of said distributor, and an affidavit made by the Comptroller or his representatives that the taxes shown to be due by said report or audit are unpaid, that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and the proceedings of said Article are hereby made applicable to suits to collect taxes hereunder."

Section 8. That Section 18 of House Bill No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session, be, and the same is hereby amended so as to read hereafter as follows:

"Section 18. Every common and contract carrier transporting cigarettes in this State, whether in intrastate or interstate commerce, shall keep a complete record in Texas of all cigarettes so transported or handled which record shall show separately for each transaction the name of the consignor and consignee, the date of delivery, and the number or quantity of cigarettes transported or handled. Such records together with all other books or records which may be in the custody of said carriers showing the shipment of cigarettes shall be open to the inspection at all times of the Comptroller, Attorney General, and their authorized representatives and said common and contract carriers shall give and permit such authorities free access to all such books and records and all cigarettes in the custody of such carriers."

Section 9. That all taxes, penalties and interest accruing to the State of Texas by virtue of any of the repealed or amended provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or pre-existing cigarette tax laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly

preserved and declared to be legal and valid obligations to the State.

Section 10. The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense. Providing, that all other laws or parts of laws that conflict herewith are hereby in all things repealed.

Section 11. If any article, section, subsection, sentence, clause, phrase, or word of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, and word thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, phrases, or words should be declared unconstitutional.

Section 12. The fact that the State of Texas has lost more than One Million Dollars in cigarette tax through injunctions granted by trial courts holding certain provisions of the law invalid, which provisions were later held valid by the Supreme Court of Texas, and the fact that at the present time restraining orders and injunctions may be obtained against the collection of such tax without proper and adequate security to the State to protect it from losses incurring by reason of such injunctions, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Petsch moved that the report be adopted.

Mr. Harris of Dallas moved that the report be printed in the Journal and further consideration of same postponed until next Monday.

The motion was lost.

Mr. Petsch withdrew the motion that the report be adopted.

By unanimous consent of the House, the report was ordered printed in the

Journal and further consideration of same postponed at this time.

(Speaker in the Chair.)

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION NO. 2

Mr. Stinson, Chairman, submitted the following Conference Committee Report on House Joint Resolution No. 2:

Austin, Texas, April 30, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference between the Senate and House on House Joint Resolution No. 2, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that House Joint Resolution No. 2 be adopted in form hereto attached.

Very respectfully,

REDDITT,
SMALL,
STONE,
MOORE,
WEINERT,

On the part of the Senate.

STINSON,
GIBSON,
LEONARD,
ALEXANDER,
MOFFETT,

On the part of the House.

H. J. R. No. 2, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b, authorizing the Legislature to establish a system of unemployment insurance; providing for the levying of a tax on payrolls for such purpose; providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

Be It Resolved by the Legislature of the State of Texas:

Section I. That Article III of the Constitution of the State of Texas be amended by adding thereto immediately after Section 48, a section to be known as Section 48b, to read as follows:

Section 48b. The Legislature may establish a system of unemployment insurance and provide funds therefor

through a tax on payrolls, which tax may be graduated to provide an adequate system of merit rating based on stability of employment, and providing for such exemptions and classifications as the Legislature may deem proper, but no payroll tax levied on any taxpayer by the State in any year shall exceed the amount allowed to said taxpayer in this State as a credit on his Federal tax on payrolls and employment within this State under any valid system of unemployment insurance adopted by the Federal Government.

No tax other than a payroll tax shall be levied for unemployment insurance, nor shall any appropriation be made out of any other tax funds for the support of unemployment insurance.

Any pre-existing laws in this State providing for a system of unemployment insurance shall remain in full force and effect until a period not to exceed six months after the date for the convening of the first regular session of the Legislature following the adoption of this amendment. Provided, however, that if the Supreme Court of the United States shall declare invalid the National Social Security Act pertaining to unemployment insurance, then and in that event, all pre-existing law on unemployment insurance in this State shall immediately become invalid.

Section II. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State, at an election to be held on the fourth Monday in August, 1937, at which election all voters favoring said proposed amendment shall write or have printed on their ballots, the words:

"For the amendment to the Constitution of the State of Texas, authorizing the establishment of a system of unemployment insurance and providing funds therefor by a tax on pay rolls."

Those opposing said proposed amendment shall write or have printed on their ballots, the words:

"Against the amendment to the Constitution of the State of Texas, authorizing the establishment of a system of unemployment insurance and providing funds therefor by a tax on pay rolls."

Section III. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for

said election and have same published as required by the Constitution for amendments thereto.

Section IV. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas, not otherwise appropriated, to pay the expenses of such publication and election.

On motion of Mr. Stinson, the report was adopted by the following vote:

Yeas—109

Adkins	Johnson of Ellis
Alsup	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Kelt
Boyer	King
Bradbury	Knetsch
Bradford	Langdon
Bridgers	Lankford
Broadfoot	Lanning
Brown	Leath
Burton	Leonard
Cagle	Loggins
Callan	London
Carssow	Lucas
Cauthorn	Mauritz
Cleveland	Mays
Colquitt	McCracken
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davison of Fisher	McKinney
Deglandon	Metcalfe
Derden	Moffett
Dickison	Morris
England	Morse
Farmer	Palmer
Felty	Patterson of Mills
Fuchs	Patterson
Graves	of Travis
Hamilton	Petsch
Hankamer	Powell
Hanna	Prescott
Harbin	Ragsdale
Hardin	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Roark
Herzik	Ross
Holland	Russell
Hull	Rutta
Hyder	Settle
James	Sharpe

Shell	Tennyson	Johnson	Newton
Simpson	Thornberry	of Tarrant	Patterson of Mills
Smith	Vale	Jones of Angelina	Powell
of Matagorda	Walker	Jones of Wise	Prescott
Smith of Tarrant	Weldon	Keefe	Ragsdale
Stinson	Westbrook	Keith	Reed of Dallas
Stocks	Wood	Kelt	Rhodes
Talbert	Worley	Kern	Roark
Tarwater		King	Ross

Nays—2

Fox	McConnell
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Absent

Alexander	Kenyon
Cathey	Kern
Celaya	Leyendecker
Davisson	Little
of Eastland	McKee
Dean	Monkhouse
Dollins	Newton
Fielden	Nicholson
Gibson	Pope
Harper	Reader
Hartzog	Sewell
Heflin	Stevenson
Hoskins	Tennant
Howard	Thornton
Huddleston	Waggoner
Jackson	Winfree

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

MOTIONS FOR SPECIAL ORDERS

Mr. Keefe moved that House Bill No. 350 be set as a special order for 10:30 o'clock a. m., next Tuesday, April 4.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—79

Alexander	Davison of Fisher
Baker	Davisson
Bates	of Eastland
Beckworth	Dean
Bell	Derden
Bond	England
Bradbury	Fielden
Bridgers	Fox
Cagle	Fuchs
Callan	Gibson
Carssow	Hamilton
Cathey	Hanna
Cauthorn	Harbin
Cleveland	Herzik
Colquitt	Holland
Davis of Haskell	Hull
Davis of Jasper	Hyder

Johnson	Newton
of Tarrant	Patterson of Mills
Jones of Angelina	Powell
Jones of Wise	Prescott
Keefe	Ragsdale
Keith	Reed of Dallas
Kelt	Rhodes
Kern	Roark
King	Ross
Knetsch	Russell
Langdon	Rutta
Lanning	Sewell
Little	Sharpe
Loggins	Simpson
London	Stocks
Lucas	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Tennyson
McDonald	Thornberry
McKinney	Thornton
Metcalfe	Weldon
Moffett	Worley
Morris	

Nays—42

Adkins	Johnson of Ellis
Alsup	Jones of Atascosa
Amos	Jones of Falls
Blankenship	Lankford
Boethel	Leath
Boyer	Leonard
Bradford	McCracken
Broadfoot	McFarland
Brown	Monkhouse
Burton	Morse
Deglandon	Palmer
Dickison	Patterson
Dollins	of Travis
Farmer	Petsch
Graves	Reed of Bowie
Hankamer	Riddle
Hardin	Settle
Harris of Archer	Smith of Tarrant
Harris of Dickens	Vale
Huddleston	Walker
Jackson	Wood
James	

Present—Not Voting

Harrell

Absent

Celaya	Nicholson
Felty	Pope
Harper	Reader
Harris of Dallas	Shell
Hartzog	Smith
Heflin	of Matagorda
Hoskins	Stevenson
Howard	Stinson
Kenyon	Waggoner
Leyendecker	Westbrook
McKee	Winfree

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

Mr. Bond moved that House Bill No. 346 be set as a special order for 10:30 o'clock a. m., next Tuesday, May 4.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—65

Adkins	Keith
Bond	Kelt
Bradbury	Knetsch
Broadfoot	Langdon
Brown	Lanning
Callan	Leath
Carssow	Mauritz
Cathey	McFarland
Cauthorn	McKinney
Cleveland	Metcalfe
Colquitt	Moffett
Davis of Haskell	Morris
Davison of Fisher	Morse
Davison	Patterson of Mills
of Eastland	Patterson
Dean	of Travis
Dollins	Petsch
England	Powell
Fielden	Prescott
Fox	Reed of Dallas
Gibson	Rhodes
Hamilton	Riddle
Harbin	Ross
Hardin	Russell
Harrell	Rutta
Heflin	Settle
Holland	Sewell
Huddleston	Simpson
Hyder	Stocks
Johnson of Ellis	Tennant
Johnson	Tennyson
of Tarrant	Waggoner
Jones of Falls	Walker
Keefe	Winfree

Nays—57

Alexander	Deglandon
Alsup	Derden
Amos	Dickison
Baker	Farmer
Bates	Felty
Beckworth	Graves
Blankenship	Hankamer
Boethel	Hanna
Boyer	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Burton	Hartzog
Davis of Jasper	Herzik

Jackson	McDonald
James	Monkhouse
Jones of Angelina	Newton
Jones of Atascosa	Palmer
Jones of Wise	Ragsdale
Kern	Reed of Bowie
King	Roark
Lankford	Talbert
Leonard	Tarwater
Leyendecker	Thornberry
Little	Thornton
Loggins	Vale
Lucas	Weldon
Mays	Wood
McConnell	Worley
McCracken	

Present—Not Voting

Harper

Absent

Bell	Pope
Cagle	Reader
Celaya	Sharpe
Fuchs	Shell
Hoskins	Smith
Howard	of Matagorda
Hull	Smith of Tarrant
Kenyon	Stevenson
London	Stinson
McKee	Westbrook
Nicholson	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

HOUSE BILL NO. 861 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 861, A bill to be entitled "An Act authorizing political subdivisions of the State of Texas to lease lands owned by such subdivisions for mineral development purposes and prescribing the method and manner of making such leases, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—129

Adkins	Amos
Alexander	Baker
Alsup	Bates

Beckworth	Keith
Bell	Kelt
Blankenship	Kern
Boethel	King
Bond	Knetsch
Boyer	Langdon
Bradbury	Lankford
Bradford	Lanning
Bridgers	Leath
Broadfoot	Leonard
Brown	Leyendecker
Burton	Little
Callan	Loggins
Carssow	Lucas
Cathey	Mauritz
Cauthorn	Mays
Cleveland	McConnell
Colquitt	McCracken
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davisson	McKee
of Eastland	McKinney
Dean	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickison	Morse
Dollins	Newton
England	Palmer
Farmer	Patterson of Mills
Felty	Patterson
Fielden	of Travis
Fox	Petsch
Fuchs	Pope
Gibson	Powell
Graves	Prescott
Hamilton	Ragsdale
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Harbin	Rhodes
Hardin	Riddle
Harper	Roark
Harrell	Ross
Harris of Archer	Russell
Harris of Dallas	Rutta
Harris of Dickens	Settle
Hartzog	Sewell
Heflin	Shell
Herzik	Simpson
Holland	Stinson
Hoskins	Stocks
Howard	Talbert
Huddleston	Tarwater
Hull	Tennant
Hyder	Tennyson
Jackson	Thornberry
James	Thornton
Johnson of Ellis	Vale
Johnson	Waggoner
of Tarrant	Walker
Jones of Angelina	Weldon
Jones of Atascosa	Winfree
Jones of Falls	Wood
Jones of Wise	Worley

Absent

Cagle	Reader
Celaya	Sharpe
Davison of Fisher	Smith
Keefe	of Matagorda
Kenyon	Smith of Tarrant
London	Stevenson
Metcalfe	Westbrook
Nicholson	

Absent—Excused

Mann	Schuenemann
Oliver	Skaggs
Quinn	Smith of Hopkins

HOUSE BILL NO. 392 WITH
SENATE AMENDMENTS

Mr. Jones of Falls called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Jones of Falls, the House concurred in the Senate amendments.

REQUEST OF SENATE GRANTED

On motion of Mr. Worley, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 407.

In accordance with the above action, the Speaker announced the appointment of the following conference committee:

Messrs. Worley, Boyer, Little, Lanning and Tarwater.

TO SUSPEND CERTAIN RULE

Mr. Worley offered the following resolution:

Whereas, Many Members have introduced bills designed to make appropriations to care for public school buildings which have recently been destroyed by disastrous fires and other ravages of the elements; and House Bills 996, 1050 and 1051; and

Whereas, There bills have been reported out of committee and now await action of the House of Representatives; and

Whereas, The purpose of these bills are most worthy and meritorious; now, therefore, be it

Resolved, That the hours between two and five o'clock p. m., today, Friday, April 30th, 1937, be set aside for the consideration of all such bills.

The resolution was read second time, and was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—74

Adkins	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Keefe
Bell	Kelt
Boethel	Kern
Boyer	King
Bradbury	Lanning
Bradford	Leath
Broadfoot	Leonard
Brown	Leyendecker
Cathey	Loggins
Cauthorn	Lucas
Celaya	Mays
Cleveland	McDonald
Colquitt	Monkhouse
Davis of Haskell	Newton
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Davison	Pope
of Eastland	Powell
Dean	Prescott
Derden	Ragsdale
Dickison	Reed of Bowie
Dollins	Reed of Dallas
Farmer	Rhodes
Felty	Roark
Fuchs	Sewell
Hanna	Simpson
Hardin	Smith
Harper	of Matagorda
Harrell	Talbert
Harris of Dallas	Tennant
Harris of Dickens	Tennyson
Herzik	Thornberry
Holland	Weldon
Hoskins	Westbrook
Huddleston	Worley
Hull	

Nays—57

Alexander	Gibson
Alsup	Graves
Beckworth	Hamilton
Blankenship	Hankamer
Bond	Harris of Archer
Bridgers	Heflin
Burton	Howard
Callan	Jackson
Carssow	James
Deglandon	Johnson of Ellis
England	Jones of Atascosa
Fielden	Jones of Falls
Fox	Jones of Wise

Keith	Petsch
Kenyon	Riddle
Knetsch	Ross
Langdon	Rutta
Lankford	Settle
London	Sharpe
Mauritz	Smith of Tarrant
McConnell	Stevenson
McCracken	Stinson
McFarland	Tarwater
Metcalfe	Thornton
Moffett	Vale
Morris	Waggoner
Morse	Walker
Patterson	Winfree
of Travis	Wood

Absent

Cagle	McKinney-
Harbin	Nicholson
Hartzog	Reader
Hyder	Russell
Little	Shell
McKee	

Absent—Excused

Mann	Skaggs
Oliver	Smith of Hopkins
Quinn	Stocks
Schuenemann	

EXTENDING CONGRATULATIONS TO HON. S. A. JONES, JR.

Mr. Holland offered the following resolution:

Whereas, On tomorrow at high noon our esteemed Member and colleague, Honorable S. A. Jones, Jr., of Angelina County, will leave behind him his days of bachelorhood, and take unto himself a wife; and

Whereas, His bride will be Miss Elaine Blohm of Temple, Texas, a stenographer in the House, and a most charming and beautiful young lady of whom only such an honorable and distinguished man as our said fellow-Member from Angelina County would be worthy; and

Whereas, These happy young people, in keeping with the Biblical maxim that it is not good for a man to live alone, are to be congratulated; now, therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That we extend to our fellow-Member and his bride, the heartiest congratulations and good wishes for a long, happy, and prosperous married life, and that their life henceforth be a continual honeymoon, and that they be blessed with all good

things which life, God and man can give them; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send to our fellow-Member and his bride a copy of this resolution under the seal of the Chief Clerk of the House.

HOLLAND,
BATES,
TALBERT,
ROARK,
LONDON,
JONES of Falls,
LANGDON,
PRESCOTT,
BOETHEL,
THORNBERRY,
JONES of Wise.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Beckworth, Bell, Blankenship, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Tarwater, Tennyson, Tennant, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood, Worley.

On motion of Mr. Brown, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 135, A bill to be entitled "An Act to amend Article 543 of Chapter 9, Title 16, of the Revised Civil Statutes of Texas; authorizing the organization of loan and investment companies; providing for the submission of articles of agreement to the Banking Commissioner of Texas; providing for the issuance of a charter by that officer; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 461, A bill to be entitled "An Act amending Article 463 of the Code of Criminal Procedure, 1925, as amended in Section 4, Chapter 143, Acts of Forty-second Legislature, in 1931, relating to the issuance of subpoenas in felony cases pending in district or criminal district courts of this State; providing the manner in which subpoenas shall be applied for, the form and contents of the subpoena, who shall receive the benefits of the subpoena, and how often a subpoena for a witness in a case in counties having a population of 190,000 inhabitants or less according to the last preceding Federal Census may be issued, and how often a subpoena for a witness in a case in counties having a population in excess of 190,000 inhabitants according to the last preceding census may be issued, and declaring an emergency."

S. B. No. 480, A bill to be entitled "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said Article; to provide that suit may be filed in a court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provisions of this

Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

S. B. No. 486, A bill to be entitled "An Act amending S. B. No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of courts in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 496, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the Counties of Coleman, Concho, Runnels and Tom Green, fixing the terms of holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931, as amended by Chapter 24, Acts of the First Called Session of the Forty-third Legislature, repealing all laws in conflict therewith, and declaring an emergency."

Adopted the conference report on Senate Bill No. 193 by the following vote: Yeas, 31; Nays, 0.

Adopted the conference report on Senate Joint Resolution No. 16 by the following vote: Yeas, 31; Nays, 0.

Has passed

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 1935, Acts, 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardian, or loan same, designating certain investments that may be made, and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act to amend Article 2792, Revised Civil Statutes of Texas, so as to provide that where the trustees of an independent school district have the county assessor and collector of taxes assess and collect the taxes for said district, the property of such district may be assessed at a greater value than the property is assessed for county and state purposes; provided, that such property may not be assessed at a greater valuation than its fair market value, or if it has no market value, than its intrinsic value, and declaring an emergency."

S. B. No. 499, A bill to be entitled "An Act to increase and provide for the salary of the Superintendent of Public Instruction of Denton County; providing for traveling expenses, office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 55.

The following have been appointed on the part of the Senate:

Senators Aikin, Cotten, Beck, Lemens and Hill.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 84, to the Committee on Insurance.

Senate Bill No. 496, to the Committee on Judicial Districts.

Senate Bills Nos. 467 and 499, to the Committee on Education.

Senate Bill No. 486, to the Committee on Judicial Districts.

Senate Bill No. 480, to the Committee on Judiciary.

Senate Bill No. 135, to the Committee on Banks and Banking.

Senate Bill No. 461, to the Committee on Criminal Jurisprudence.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 216, "An Act to amend Articles 2503, 2504 and 2507, Title Forty-six, Revised Civil Statutes of Texas, 1925, having relation to the Capital structure and interest charges of mutual loan corporations."

H. B. No. 975, "An Act making an emergency appropriation of Five Hundred Three Thousand Two Hundred Seventy-eight and 02/100 (\$503,278.02) Dollars out of the General Revenue Fund of the State of Texas for certain State Departments, State Eleemosynary Institutions and certain State Educational Institutions; designating the purpose for which said funds are to be used; providing that said funds are to be available immediately, and declaring an emergency."

S. B. No. 229, "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 230, "An Act to amend Article 709 of the Penal Code of 1925, and declaring an emergency."

S. B. No. 336, "An Act to amend Section 16, Article 3902, Revised Civil Statutes, 1925, as amended by Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature."

S. B. No. 435, "An Act making an appropriation of \$10,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency."

House Concurrent Resolution 112, Recalling House Bill No. 1016 from the Senate.

ADJOURNMENT

Mr. Stevenson moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Reed of Bowie moved that the House recess until 2:30 o'clock p. m., today.

Question recurring on the motion to adjourn until 10:00 o'clock a. m., Monday, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—79

Adkins	Keefe
Blankenship	Keith
Boethel	Kenyon
Bond	Lanning
Boyer	Leonard
Bradford	Leyendecker
Bridgers	Little
Broadfoot	Loggins
Brown	Mauritz
Burton	McConnell
Callan	McCracken
Carssow	McDonald
Cauthorn	McKinney
Celaya	Monkhouse
Cleveland	Morse
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Palmer
Dean	Pope
Deglandon	Powell
Dickison	Prescott
Dollins	Riddle
Felty	Ross
Fox	Rutta
Hamilton	Settle
Hankamer	Sewell
Hanna	Sharpe
Hardin	Shell
Harper	Simpson
Harris of Dallas	Smith
Harris of Dickens	of Matagorda
Heflin	Smith of Tarrant
Howard	Stevenson
Hull	Talbert
Hyder	Tarwater
Jackson	Thornton
James	Vale
Johnson	Waggoner
of Tarrant	Walker
Jones of Angelina	Winfree
Jones of Atascosa	Wood

Nays—55

Alexander	Amos
Alsup	Baker

Beckworth	Knetsch
Bell	Langdon
Bradbury	Lankford
Cathey	Leath
Colquitt	Lucas
Davis of Haskell	McFarland
Davis of Jasper	McKee
Derden	Metcalfe
England	Moffett
Farmer	Morris
Fielden	Patterson of Mills
Gibson	Patterson
Graves	of Travis
Harbin	Petsch
Harrell	Ragsdale
Harris of Archer	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Hoskins	Roark
Huddleston	Russell
Johnson of Ellis	Tennant
Jones of Falls	Tennyson
Jones of Wise	Thornberry
Kelt	Weldon
Kern	Westbrook
King	Worley

Present—Not Voting

Bates

Absent

Cagle	Mays
Fuchs	Reader
Hartzog	Stinson
London	

Absent—Excused

Mann	Skaggs
Oliver	Smith of Hopkins
Quinn	Stocks
Schuenemann	

And, accordingly, the House, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Constitutional Amendments: House Joint Resolution No. 5.

Counties: Senate Bills Nos. 424 and 495.

Education: House Bill No. 1150; Senate Bills Nos. 467 and 499.

Game and Fisheries: House Bills Nos. 1121, 1140 and 1148; Senate Bill No. 318.

Highways and Motor Traffic: Senate Bill No. 494.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 58, A bill to be entitled "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; defining certain terms; providing if any part of the Act is declared unconstitutional it shall not affect the validity of the remainder of the Act; providing the Act shall be called 'The Fair Trade Act', and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 838, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas and making appropriations therefor; and making appropriation for the support and maintenance of the Judicial Department of the State of Texas for the two (2) years beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; amending Section 1 of House Bill 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.